

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59245 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- DAUDPUR District- Saran

1. Surendra Upadhyay Son of Late Bagishdatta Upadhyay R/O Vill.- Bareja, P.S.- Daudpur, Dist.- Saran at Chapra.
2. Amrendra Upadhyay Son of Late Bagishdatta Upadhyay R/O Vill.- Bareja, P.S.- Daudpur, Dist.- Saran at Chapra.
3. Sandhya Devi Wife of Amrendra Upadhyay R/O Vill.- Bareja, P.S.- Daudpur, Dist.- Saran at Chapra.
4. Chandan Kumar Upadhyay @ Chandan Upadhyay @ Ashit Kumar Son of Amrendra Upadhyay R/O Vill.- Bareja, P.S.- Daudpur, Dist.- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Chandra Mohan Jha
For the Opposite Party/s :	Mr.Ashok Kumar Singh
	Mr. Manoj Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-09-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner No. 3 is a woman and they were given the benefit of Section 41A of the Cr.P.C during the course of investigation. It is further



submitted that petitioners cooperated in the investigation and thereafter, police submitted charge-sheet under section 341, 323, 504, 506 and 34 of the IPC, but then the learned Magistrate differing with the charge-sheet took cognizance of the offence under Section 307 of the IPC read with other sections. The learned counsel next submits that police during the course of investigation never felt the need of arresting the petitioners and even submitted charge-sheet under bailable sections, but then the learned Magistrate differing with the police report took cognizance under Section 307 of the IPC also. It is thus submitted that whether it would be prudent for the Court to send the petitioners to jail when one investigating agency did not find the offence true under any non-bailable section and placing reliance on the same report, the learned Magistrate took cognizance under Section 307 of the IPC.

4. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the learned trial court where
the case is pending/successor court in connection with Daudpur
P.S. Case No. 93 of 2023, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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