

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61835 of 2024

Arising Out of PS. Case No.-113 Year-2018 Thana- OBRA District- Aurangabad

=====

Brijbhan @ Bhartendu Paswan @ Matendra Paswan S/o Late Jivnarayan
Paswan R/O Village-Ratwar, P.S-Obra, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms.Mukul Kumari

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-10-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 302 of the
IPC and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is aged about 72
years and the informant alleges that his mother on 19-5-2018
had gone to the market to purchase medicine for cattle at 10:30
am. It is next alleged that the informant also went to purchase
medicine for his father at 2 pm, when he alighted at Kurmaha
Naresh Hall, he saw a crowd gathered, thus went to the place of
occurrence and saw the dead body of his mother who was shot
on right side of the chest, thus the FIR was instituted against



unknown.

4. Learned counsel for the petitioner submits that the FIR was instituted against unknown and the name of the petitioner transpired in the confessional statement of Lalan Thakur. It is next submitted that police after threadbare investigation came to a considered conclusion that petitioner is innocent, thus submitted Final Form No.116 of 2021 dated 14.06.2021 exonerating the petitioner of the allegation (Annexure-2) but then the learned trial court differing with the police report took cognizance, thus petitioner apprehends arrest. It is next submitted that once an investigating agency based on a threadbare investigation came to a considered conclusion that petitioner is innocent, whether it would be prudent for this Court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same police report which had exonerated the petitioner.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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) 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 Obra P.S. Case
No.113 of 2018 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

