

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67792 of 2023

Arising Out of PS. Case No.-153 Year-2021 Thana- MANPUR District- Nalanda

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1. BIRENDRA PASWAN Son of Late Ishwar Paswan RESIDENTS OF VILLAGE ALOAUDIYA SARAI, POLICE STATION MANPUR, DISTRICT NALANDA
 2. Subhash Paswan Son of Late Ishwar Paswan RESIDENTS OF VILLAGE ALOAUDIYA SARAI, POLICE STATION MANPUR, DISTRICT NALANDA
 3. Manoj Paswan Son of Late Ishwar Paswan RESIDENTS OF VILLAGE ALOAUDIYA SARAI, POLICE STATION MANPUR, DISTRICT NALANDA
 4. Saina Paswan @ Maina Paswan Son of Late Ishwar Paswan RESIDENTS OF VILLAGE ALOAUDIYA SARAI, POLICE STATION MANPUR, DISTRICT NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 04-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 304(B), 201 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant.
4. The learned counsel for the petitioners submits that



a complaint case came to be instituted by the complainant in the year 1999 alleging that his sister was married to Awadh Paswan and after marriage, the accused persons including the petitioners started demanding television and cash of Rs. 10,000/- and for non-fulfillment of the demand, his sister was tortured and finally she was killed by the accused persons.

5. The learned counsel for the petitioners submits that since the complaint case came to be instituted, as such, the petitioners were not aware that a case with regard to murder has been instituted by the complainant. It is next submitted that it appears that the complaint remained pending with the learned Trial Court till 2016 without any action and thereafter the complaint was referred in the year 2016 for instituting an FIR, based on which, the instant FIR came to be instituted in the year 2021. It is submitted that there was a delay by the Court in sending the complaint for instituting an FIR, further the police even did not institute an FIR promptly rather the same was instituted after a delay of five years. It is next submitted that petitioners are brothers of the husband of the deceased and allegation against them are general and omnibus in nature. It is also submitted that police after investigation came to a considered conclusion that petitioners are innocent and thus



submitted final form bearing Final Form No. 03 of 2022 dated 14.01.2022. It is next submitted that the learned Trial Court differing with the police report has taken cognizance, based on which, the petitioners apprehend their arrest.

6. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, submits that he has received instructions in the matter and a counter affidavit has been filed after serving a copy on the learned counsel appearing on behalf of the petitioners but then submits that from perusal of pleadings made in the counter affidavit, it would manifest that the deponent accepts that delay has occurred in instituting the FIR.

7. The learned counsel for the petitioners, at this stage, submits that when police after investigation has found the petitioners to be innocent whether it would be prudent for this Court to send the petitioners to jail when based on the same investigation cognizance has been taken. It is also submitted that petitioners will not abscond rather will co-operate in the trial.

8. 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 Manpur P.S. Case No. 153 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, in the event if the learned Trial Court comes to the conclusion that petitioners, after obtaining anticipatory bail, are trying to delay the trial in any manner, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

10. **Accordingly, the present anticipatory bail application stands allowed.**

(Satyavrat Verma, J)

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