

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19769 of 2025

Arising Out of PS. Case No.-380 Year-2023 Thana- GHORASAHAN District- East
Champaran

Mantu Kumar S/o- Hari Har Sah Village- Bankatwa PS- Ghorasahan jitna
District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-04-2025 1. Heard learned counsel for the petitioner and the learned APP for the State, Mr. Chandra Bhushan Prasad.
2. The learned counsel for the petitioner submits that petitioner had earlier moved this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 10239 of 2024 and the same was disposed of by an order dated 29.02.2024 in terms of the order dated 13.02.2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar).
3. The learned counsel for the petitioner next submits that in Criminal Miscellaneous No. 10239 of 2024, the petitioner was given liberty to file a representation within a period of three weeks from the date of order before the concerned Superintendent of Police of the district and the Investigating Officer of the case with a web copy of the order dated 13.02.2024 in Criminal



Miscellaneous No. 3536 of 2024 and the Superintendent of Police was directed to ensure that Investigating Officer of the case strictly adheres to the directions contained in the said order.

4. The learned counsel for the petitioner submits that petitioner, in compliance of the order dated 29.02.2024 in Criminal Miscellaneous No. 10239 of 2024, got a representation submitted before the Superintendent of Police, East Champaran and the Investigating Officer of the case through his uncle, but then the said representation was not acted upon and the police came knocking the door of the petitioner for arresting him, as such, the instant criminal miscellaneous was filed. It is further submitted that the instant case was taken up on 04.04.2025 and the SHO of the concerned P.S. and the I.O of the case were directed to remain physically present before this Court on 18.04.2025. The SHO and the I.O. of the case in compliance of the order dated 04.04.2025 are present in the Court.

5. The learned APP for the State, Mr. Chandra Bhushan Prasad, at the outset, submits that a *bona fide* mistake was committed by the Investigating Officer of the case and the SHO of the concerned P.S. It is further submitted that the date of occurrence is 22.06.2023 and the instant FIR came to be instituted on 24.06.2023.

6. The learned APP submits that the instant FIR was



instituted under Sections 341, 323, 324, 308, 354B, 379, 504, 506 and 34 of the IPC, as such the offences for which the instant FIR was instituted carried punishment of seven years and less, accordingly, Criminal Miscellaneous No. 10239 of 2024 was disposed of by an order dated 29.02.2024 in terms of the order dated 13.02.2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. The State of Bihar). The learned APP next submits that during the investigation of the instant FIR again an occurrence took place on 26.07.2023 in which side of the informant received injuries, accordingly the police during the course of investigation in the nature of injury found the case to be true under Section 307 of the IPC, on which the learned counsel appearing on behalf of the petitioner submits that it absolutely does not stand to reason that on what basis, the Investigating Officer of the case found the instant case true under Section 307 of the IPC when the occurrence is alleged to have taken place on 26.07.2023 i.e. after more than a month of institution of the instant FIR, it is submitted that had any occurrence of the nature as alleged had taken place in that event the present informant or her family members would have instituted a separate FIR, but then it is submitted that police in connivance of the informant only to overreach orders of this Court dated 29.02.2024 in Criminal Miscellaneous No. 10239 of 2024 found the case to be true under



Section 307 of the IPC.

7. The learned counsel for the petitioner further submits that till date Section 307 of the IPC has not been added in the FIR nor has been brought to the notice of the learned Trial Court. The learned APP fairly submits based on instruction of the I.O. and the S.H.O. that Section 307 IPC till date has not been added in the FIR, nor brought to the notice of the learned Trial Court.

8. On query of the Court from the learned APP that as to what is the nature of injury suffered by the injured, on which the learned APP fairly submits that the injuries are simple in nature, on which the learned counsel appearing on behalf of the petitioner submits that this amply demonstrates that how the police investigates and falsely implicates, it is submitted that if the injuries were found simple in nature then on what basis the instant case was found true under Section 307 of the IPC when the occurrence alleged was a fresh occurrence.

9. The Court is not satisfied in the manner the police has acted in the present case, but then seeing the Investigating Officer of the case and the SHO of the concerned P.S., it appears that they have recently joined service and may not be having sufficient experience, as such, the Court does not intend to proceed any further.

10. After hearing the learned counsel for the parties, 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. 5,000/- (Rupees Five 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 Ghorasahan (Jitna) P.S. Case No. 380 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. The personal appearance of the SHO, Ghorasahan (Jitna) P.S. and the I.O. of the case is dispensed with.

12. Let a copy of this order be sent to the Superintendent of Police, East Champaran, Motihari, for his perusal and to ensure that the orders of this Court is not breached.

13. The learned APP for the State is also directed to inform the Superintendent of Police, East Champaran Motihari about the present order.

(Satyavrat Verma, J)

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