

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28498 of 2025

Arising Out of PS. Case No.-600 Year-2023 Thana- BARH District- Patna

1. Binod Singh S/O Late Rama Singh R/O Vill.- Shahari, P.S.- Barh, Dist.- Patna.
2. Sambhu Singh S/O Late Rama Singh R/O Vill.- Shahari, P.S.- Barh, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajesh Kumar S/O Late Fakira Shaw R/O Vill.- Talimpur, Ward No. 13, P.S.- Barh, Dist.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh
For the Opposite Party/s : Mr. Narsingh Tanti
Mr. Kundan Kumar Ojha
Mr. Gyanendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-05-2025 1. Heard learned counsel for the petitioners, the
learned counsel appearing on behalf of the informant and
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 406, 420 and 506/34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that petitioners are persons with clean antecedent and have been falsely implicated by the informant



being land owners. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant himself has stated in the FIR that Anil Mishra, the land broker took Rs.12 Lacs from the land owners i.e. the petitioners. It is next submitted that since the money which the informant had given to the petitioners through Anil Mishra was taken back by Anil Mishra, as such, the police after investigation submitted final form exonerating the petitioners of the allegation. It is next submitted that the learned trial Court differing with the police report took cognizance and thus, the petitioners apprehend their arrest.

4. The learned counsel for the petitioners submits that when one investigating agency based on a threadbare investigation has come to a considered conclusion that petitioners are innocent whether it would be prudent for the Court to send the petitioners to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioners of the allegation.

5. Learned counsel for the informant as well as learned A.P.P. opposes the anticipatory bail application, but then, are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that informant in



the FIR himself has stated that Anil Mishra took Rs.12 Lacs from the land owners i.e. the petitioners and that police submitted final form in their favour.

6. 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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1, Barh, Patna in connection with Barh P. S. Case No.600 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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