

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1806 of 2025

Arising Out of PS. Case No.-243 Year-2024 Thana- CHANDAUTI District- Gaya

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1. Kamta Prasad Singh @ Kamta Prasad Sinha Son of Late Nanhku Singh village- Shivpuri Colony, Ps- Chandauti, Dist- Gaya
 2. Bittu Kumar @ Subham Prakash son of Kamta Prasad Singh @ Kamta Prasad Sinha village- Shivpuri Colony, Ps- Chandauti, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashish Ananta Son of Mahabir Prasad Mohalla- katari, Ps- Chandauti, Po - GPO, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Saxena, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 08-10-2025 1. Heard learned counsel for the appellants and learned Special P.P. for the State, Mr. Binay Krishna.

2. The learned counsel for the appellants submits that appellants are persons with clean antecedent. It is next submitted that the instant FIR arises out of a complaint case. It is further submitted that police, after a threadbare investigation, came to a considered conclusion that appellants are innocent and thus submitted final form, but then the learned trial court differing with the police report took cognizance, hence, appellants apprehend their arrest.



3. The learned counsel for the petitioner submits that when one Investigating Agency after a threadbare investigation came to a considered conclusion that the appellants are innocent whether it would be prudent for the Court to send the appellants to jail based on an order of cognizance which came to be taken based on the same police report which had exonerated the appellants of the allegations.

4. The Court finds merit in the submissions of the learned counsel appearing on behalf of the appellants.

5. The learned Special PP fairly submits that no doubt it is difficult to countenance the submissions made by the learned counsel appearing on behalf of the appellants, but then the learned trial court differing with the police report has taken cognizance, as such, for the present the presumption is that a *prima facie* offence is made out.

6. Considering the submissions made by the learned counsel for the parties, the appeal is disposed of with a direction to the appellants to surrender before the learned Trial Court on or before 10.11.2025, in the event if the appellants surrender before the learned Trial Court on or before 10.11.2025, in that event, the learned Trial Court shall dispose of the case on the same day keeping in mind that police after investigation



submitted final form exonerating the appellants of the
allegations.

(Satyavrat Verma, J)

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