

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63714 of 2025

Arising Out of PS. Case No.-148 Year-2019 Thana- AWTARNAGAR District- Saran

1. Balbir Kumar Singh @ Balvir Singh S/o Arun singh R/o Vill. - Dhanaura, P.S. - Awatar Nagar, Dist. - Saran at Chapra(Bihar)
2. Ranvir Kumar Singh @ Ranvir Singh S/o Arun Singh R/o Vill. - Dhanaura, P.S. - Awatar Nagar, Dist. - Saran at Chapra(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 15-09-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State Mr. Chandra Bhushan Prasad.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 306 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that a supplementary affidavit has been filed, explaining the defect as pointed out by the office. It is submitted that defect as pointed out by the office is to annex the certified copy of the FIR but since one of the accused was convicted and he has filed an appeal against the order of conviction, as such, the entire L.C.R. is before the Appellate Court, hence petitioners are not in a position to obtain the certified copy of the FIR.

4. In view of the explanation furnished by the



petitioners, in the supplementary affidavit, the defect as pointed out by the office is ignored.

5. The office is directed to trace the supplementary affidavit filed on behalf of the petitioner on 11.09.2025 and annex the same with the record.

6. Learned counsel for the petitioners next submits that petitioners are persons with clean antecedent and the police after threadbare investigation came to a considered conclusion that petitioners are innocent and thus submitted final form exonerating the petitioners of the allegation as alleged in the FIR but then the learned trial court differing with the police report took cognizance in February, 2025, as such petitioners apprehend the arrest. It is next submitted that if one investigating agency based on a threadbare investigation has found the petitioners to be innocent whether it would be prudent for this 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.

7. Learned A.P.P. Mr. Chandra Bhushan Prasad opposes the prayer for anticipatory bail of the petitioners and submits that from submission made by the learned counsel appearing on behalf of the petitioners, it appears that one of the accused has already been convicted and in the event if the privilege of anticipatory bail



is granted to the petitioners, the petitioners may abscond, on which, the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the trial to prove their innocence.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Awatar Nagar P.S. Case No.148/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that if the learned trial court comes to a conclusion that petitioners after their release are trying to delay the framing of charge or after framing of charge are delaying the trial in both the conditions the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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