

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58743 of 2025

Arising Out of PS. Case No.-119 Year-2024 Thana- DARPA District- East Champaran

1. Dilip Prasad Son of Late Parma Sah R/o Narkatiya Bazar, P.S. - Darpa, Dist. - East Champaran
2. Krishna Kumar Son of Dilip Prasad R/o Narkatiya Bazar, P.S. - Darpa, Dist. - East Champaran
3. Sujay Kumar Son of Ramashish Prasad R/o Narkatiya Bazar, P.S. - Darpa, Dist. - East Champaran
4. Rajkumar Prasad @ Raj Kumar Son of Late Kapildeo Prasad R/o Narkatiya Bazar, P.S. - Darpa, Dist. - East Champaran
5. Bandhan Kumar Son of Dilip Prasad R/o Narkatiya Bazar, P.S. - Darpa, Dist. - East Champaran
6. Mala Kumari D/o Dilip Prasad R/o Narkatiya Bazar, P.S. - Darpa, Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-09-2025 1. Heard Ms. Pragya Bharti, 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 126(2), 127(2), 115(2), 118(1), 109, 303(2), 74, 352, 351(2) and 3(5) of the BNS.
3. Learned counsel appearing on behalf of the petitioners submits that petitioners are persons with clean antecedent. It is further submitted that a specific pleading has



been made at para 12 of the anticipatory bail application that petitioner no. 1 (Dilip Prasad) and petitioner no. 5 (Bandhan Kumar) were on police bail during the course of investigation. It is next submitted that final form in favour of petitioners no. 2, 3, 4 and 6 was submitted by the police exonerating them of the allegation as alleged in the FIR. It is also submitted that the police after investigation submitted charge-sheet against the petitioner no. 1 (Dilip Prasad) and petitioner no. 5 (Bandhan Kumar) while with regard to petitioners no. 2, 3, 4 and 6 final form was submitted. It is submitted that the learned trial court differing with the police report took cognizance against the petitioners no. 2, 3, 4 and 6 and cognizance based on charge-sheet was taken against petitioner no. 1 (Dilip Prasad) and petitioner no. 5 (Bandhan Kumar).

4. Learned counsel for the petitioners submits that this Court in the case of **Mahendra Prasad Singh Vs. The State of Bihar** reported in **2004(3) PLJR 491**, **Sheochandra Singh and Others Vs. State** reported in **2007(4) BBCJ V-66** and in **Jagnarayan Yadav @ Babajee Yadav Son of Soti Lal Yadav and Ors. Vs. The State of Bihar** reported in **2010(2) PLJR 684** has very clearly laid the law as to what steps have to be taken by the learned trial court with respect to an accused who is



on police bail and after investigation charge-sheet is submitted.

5. In view of the submissions made by the learned counsel appearing on behalf of the petitioners, the anticipatory bail application with respect to petitioners no. 1 and 5 is disposed of with a direction to the petitioners no. 1 and 5 to surrender before the learned trial court on or before 25.09.2025 and the learned trial court shall on the same day dispose of their application keeping in mind the law enunciated by this Court as recorded aforesaid.

6. Learned counsel for the petitioners, at this stage, submits that once the police, after threadbare investigation, came to a considered conclusion that petitioners no. 2, 3, 4 and 6 are innocent and thus submitted final form exonerating them of the allegation as alleged in the FIR whether in such a situation, it would be prudent for this Court to send the petitioners no. 2, 3, 4 and 6 to jail based on an order of cognizance which came to be taken based on the same police report which exonerated them of the allegation.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. Considering the submissions made by the learned counsel appearing on behalf of the petitioners, let the petitioners



no. 2, 3, 4 and 6 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 Darpa P.S. Case No. 119 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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