

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74761 of 2024**

Arising Out of PS. Case No.-693 Year-2009 Thana- BHAGALPUR COMPLAINT CASE  
District- Bhagalpur

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1. Sahendra Kumar Singh @ Sahindra Kumar Singh S/O Basudeo Singh R/O Mayurhand, P.O and P.S- Mayurhand, Chhatra, Distt.- Chatra, State- Jharkhand.
  2. Ravindra Pandit S/O Anup Pandit R/O Munjhar, P.S- Haspura, Distt.- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vikash Kumar Mishra S/O Late Purnesh Mishra R/O Nagri, P.S- Charpokhari, Distt.- Bhojpur.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Ajay Kumar Thakur, Advocate<br>Ms. Vaishnavi Singh, Advocate<br>Mr. Ritwik Thakur, Advocate |
| For the State        | : | Mr. Aditya Narayan Singh. I, APP                                                                |

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

5      21-04-2025                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No.693 of 2009 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. The prosecution case has been initiated on the basis of the First Information Report lodged by one Vikash Kumar Mishra bearing Kahalgaon P.S. Case No.95 of 2008 wherein the two petitioners had been made accused under Sections 328, 307 and 34 of the Indian Penal Code in which subsequently Section



302 of the Indian Penal Code was also added and the allegation was made against these two petitioners that they had poisoned their father due to which he subsequently died. In that case, during the course of investigation, the petitioners were taken into custody and were thereafter released under the provisions of Section 167(2) Cr.P.C.

4. However, after investigation, Kahalgaon P.S. Case No.95 of 2008 resulted in filing of a final report as a mistake of fact and the said final report has been annexed as Annexure-4 to the present application. Thereafter, the case proceeded upon a protest petition which was treated as a complaint and cognizance was taken and the present petitioners are apprehending arrest in relation to the present complaint case.

5. Learned counsel for the petitioners submits that as a matter of fact the petitioners are nowhere involved in the said occurrence and the allegation prima-facie has been found false by the investigating agency in Kahalgaon P.S. Case No.95 of 2008.

6. Learned APP for the State has, however, opposed the present application on the ground that there is a delay in approaching the court for grant of anticipatory bail. In response to the same, learned counsel for the petitioners submits that an explanation to the lapse of time has been given in paragraph 24 of this application and vide the orders-sheet annexed to the present



application, which is Annexure-7 series to the application, which would show that after issuance of non-bailable warrants the petitioners have immediately approached the learned court below for grant of anticipatory bail.

7. Considering the abovementioned facts and circumstances of the case and also taking into consideration that no charge-sheet was earlier submitted in the police case and the petitioners have no criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioners. Let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Bhagalpur in connection with Complaint Case No.693 of 2009, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioners shall cooperate in the investigation/trial.

**(Soni Shrivastava, J)**

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