

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75314 of 2024

Arising Out of PS. Case No.-89 Year-2021 Thana- DHOLBAJJA District- Bhagalpur

Avinash Singh @ Avinash Kumar Son of Santan Singh @ Sattan Singh R/O-
Guruthan, Kadwa, Dholbajja, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-03-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that accused persons including the petitioner, in absence
of informant and his family members, came to his house, when
children were alone and Sattan uprooted the pillar which was
objected by the children, when Ashish assaulted Devta Kumari
by an iron rod causing injury on her head, thereafter Bakul
assaulted Ankit by bamboo causing injury on his head and he
became unconscious, further petitioner and Bakul assaulted



Niranjan causing injury on hand and back, on alarm informant and his wife came when Sattan and his wife assaulted the wife of the informant namely Anju by *lathi* on leg and hand, thereafter injured were taken to hospital.

4. The learned counsel for the petitioner next submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that police after threadbare investigation came to a considered conclusion that petitioner is innocent and thus submitted final form exonerating him of the allegations, but then the learned Magistrate, differing with the police report, took cognizance, as such, the petitioner apprehends his arrest. The learned counsel thus submits that when one investigating agency based on a threadbare investigation came to a considered conclusion that petitioner is innocent, whether it would be prudent for the court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same investigation report which exonerated the petitioner of the allegations.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his 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. 5,000/- (Rupees Five Thousand) 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 Dholbajja (Kadwa) P.S. Case No. 89 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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