

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76882 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- DAUDPUR District- Saran

1. Kamlesh Kumar Yadav @ Kamlesh Yadav, Son of Jaglal Yadav R/O Vill.- Bareja, P.S.- Daudpur, Dist.- Saran At Chapra.
2. Rakesh Kumar Yadav @ Ramesh Yadav Son of Suryadev Yadav R/O Vill.- Bareja, P.S.- Daudpur, Dist.- Saran At Chapra.
3. Baleshwar Yadav Son of Late Tirpal Yadav R/O Vill.- Bareja, P.S.- Daudpur, Dist.- Saran At Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-02-2025 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent. It is next submitted that petitioners are given the benefit of Section 41(A) of the Cr.P.C. during the course of investigation. It is next submitted that petitioners cooperated in the investigation and



thereafter, police submitted charge-sheet under Sections 341, 323, 504, 506 and 34 of the IPC, but then, learned Magistrate differing with the charge-sheet took cognizance of the offence under Section 307 of the I.P.C. read with other Sections.

4. The learned counsel next submits that police, during the course of investigation, never felt the need of arresting the petitioners and even submitted charge-sheet under bailable Sections, but then, learned Magistrate differing with the police report took cognizance under Section 307 of the IPC also. It is thus submitted that whether it would be prudent for the Court to send the petitioners to jail when one investigating agency did not find the offence true under any non-bailable Sections and placing reliance on the same report, the learned Magistrate took cognizance under Section 307 IPC also.

5. Learned A.P.P. opposes the anticipatory bail application.

6. 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, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned J. M., 1st Class,
Saran at Chapra in connection with Daudpur P. S. Case No.93 of
2023, subject to the conditions laid down under Section 438(2)
of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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