

Arising Out of PS. Case No.-1 Year-2024 Thana- PHULWARIA District- Begusarai

- Petitioner/s

Versus

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 17-11-2025 1. Heard 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 147, 148, 149, 341, 323, 302 and 458 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 is not named in the FIR, but then his name transpired during the course of investigation in the statement of the injured. It is further submitted that police after investigation submitted final



form exonerating petitioner nos. 2 and 3 of the allegation as alleged in the FIR. It is further submitted that though during the course of investigation, the name of the petitioner no. 1 transpired, but then his name was not included in the charge sheet submitted by the police against some of the accused persons who were found involved in the occurrence. It is also submitted that even final form exonerating petitioner nos. 2 and 3 was submitted, in the said final form also, the name of the petitioner no. 1 was not included, but then the learned Magistrate differing with the police report took cognizance of the offence against all the accused persons including the petitioner no. 1. It is submitted that cognizance against petitioner no. 1 came to be taken merely on the fact that his name transpired during the course of investigation.

4. Learned counsel appearing on behalf of the petitioners next submits that when one Investigating Agency after threadbare investigation came to a considered conclusion that petitioner nos. 2 and 3 are innocent and with regard to petitioner no. 1, charge sheet was not submitted indicting him whether it would be prudent for the 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 had exonerated the



petitioner nos. 2 and 3 of the allegations as alleged. It is also submitted that no doubt allegation is of committing murder, but then allegation of assault is also not specific. It is next submitted that petitioners will not abscond rather will cooperate in the trial to prove their innocence.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five 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 Phulwaria P.S. Case No. 01 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. 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 trying to delay the trial, in both the conditions, the learned Trial Court shall be at liberty to cancel the bail bonds of the



petitioners.

8. Accordingly, the anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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