

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73811 of 2025

Arising Out of PS. Case No.-76 Year-2004 Thana- SONEPUR District- Saran

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1. Dilip Singh S/o- Badri Singh Village- Sabalpur Chaharam PS- Sonapur Distt- Saran, Chapra
 2. Birju Singh S/o- Badri Singh Village- Sabalpur Chaharam PS- Sonapur Distt- Saran, Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Khushi Awadh

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 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 304B, 201 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and are brother-in-law of the deceased. It is next submitted that the case was instituted in the year 2004 and the police after investigation submitted final form dated 12.11.2004 exonerating the petitioners of the allegations but the learned trial court differing with the police report took cognizance in the year 2019. It is



further submitted that after cognizance was taken, the petitioners never received any summon as such they were not even aware of their implication in the instant case. It is also submitted that till date process under Sections 82 and 83 Cr.P.C. has not been issued and Badri and Kamli i.e. father-in-law and mother-in-law have been acquitted in the trial of the charges. It is next submitted that when one investigating agency after threadbare investigation came to a considered conclusion that petitioners are innocent, whether it would be prudent for a 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 petitioners of the allegation. It is also submitted that petitioners will not abscond rather will cooperate in the investigation 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 Court below 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 learned trial court where the case is pending/successor court in connection with Sonapur P.S. Case No.76/2004, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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 event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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