

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41367 of 2014

Arising Out of PS.Case No. -148 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

- =====
1. Md. Dilshad Son of Tufail Ahmad
2. Md. Minnatullah @ Minatullah Son of Sabir Hussain
- Both are resident of village - Belhi, P.S. - Sadar, District - Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

4 16-04-2015 Heard learned counsel for petitioner no. 1, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends arrest in Darbhanga Sadar
P.S. Case No. 148 of 2014 dated 22.04.2014 in which cognizance
has been taken under Section 436 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the F.I.R. itself the informant is the caretaker of the house and in
the campus of the said house, straw hut was burnt and the
informant claims that he is residing in the village for the last 40



years but still petitioner no. 1, who is the co-villager, has not been identified by him. It is submitted that for the first time one Khurshid Anwar has taken the name of the petitioner as being one of the persons who was running away from the place of occurrence and shouting that they had caused fire and would take care any one who opposed them. Learned counsel submits that the said Khurshid Anwar was the person with whom petitioner no. 1 and others had fight two days prior to the present occurrence for which Darbhanga Sadar P.S. Case No. 142 of 2014 and 144 of 2014 had been lodged by both the sides in which said Khurshid Anwar is an accused in Darbhanga Sadar P.S. Case No. 144 of 2014. It is submitted that due to political rivalry petitioner no. 1 has been made accused by Khurshid Anwar as he was also made accused in the other case being Darbhanga Sadar P.S. Case No. 142 of 2014 which has been filed by the associates of Khurshid Anwar. Learned counsel submits that even the lineman of the area has written to the Electrical Junior Engineer informing him of the incident which is said to have been caused by spark which came out from the high tension wire running over the hut. Learned counsel submits that petitioner no. 1 has no other criminal antecedent except for that earlier case filed two days before between the parties in which he has been granted anticipatory bail by the court below itself and further he is a bright student

preparing for competitive examinations. Learned counsel submits that the informant himself not recognizing the petitioner no. 1 being a co-villager clearly falsifies the statements of Khurshid Anwar and others that the petitioner no. 1 was also one of the persons who was running away after causing the fire.

Learned A.P.P. and learned counsel for the informant oppose the prayer for anticipatory bail and submit that persons have taken the name of the petitioner no. 1 connecting him to the incident.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, petitioner no. 1 be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in Darbhanga Sadar P.S. Case No. 148 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail

bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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