

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14444 of 2019

Arising Out of PS. Case No.-44 Year-2018 Thana- KODHOBARI District- Kishanganj

1. Nurul Haque, son of Nish Mohamad, resident of Laxmipur, P.S.- Kodhobari, District- Kishanganj
2. Md. Mahmood Son of Nur Mohammad Resident of Laxmipur, P.S.- Kodhobari, District- Kishanganj
3. Md. Saiful Son of Nur Mohammad Resident of Laxmipur, P.S.- Kodhobari, District- Kishanganj
4. Ziyaul Haque Son of Md. foktiz Resident of Laxmipur, P.S.- Kodhobari, District- Kishanganj
5. Akhtar Ali Son of Abdul Kalam Resident of Laxmipur, P.S.- Kodhobari, District- Kishanganj
6. Subhan Son of Lot Khula Resident of Laxmipur, P.S.- Kodhobari, District- Kishanganj
7. Khusla Son of Sultan Ali Resident of Laxmipur, P.S.- Kodhobari, District- Kishanganj
8. Imtiyaz Son of Paure Nurul Resident of Lohagara, P.S.- Kodhobari, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-03-2019 The petitioners seek bail in anticipation of their arrest in connection with Kodhobari P.S. Case No. 44 of 2018 dated 30.11.2018 instituted for the offences under Sections 147, 148, 149, 323, 307, 333, 353, 379, 504 of the Indian Penal Code.

It has been alleged in the F.I.R that an attempt



was being made by some of the accused persons to shepherd away approximately one hundred cattle for the purposes of slaughtering them. When the Police tried to apprehend the accused persons who were making such attempts and also impounded the cattle, the Police party was attacked leading to injuries on one of the Constables, who was part of the raiding team. The aforesaid injured Constable is stated to have been taken to the hospital for treatment. One Imajuddin, who was present at the place of occurrence is said to have named the petitioners, which fact has been stated in the F.I.R and that is how the petitioners are being prosecuted in the present case.

The learned counsel for the petitioners has submitted that they have been falsely implicated in the present case at the instance of one Imajuddin. In fact, the other case about which reference has been made in para 3 of the petition is the case lodged by aforesaid Imajuddin, alleging that an attempt was made to take away the cattle to a different country for the purposes of slaughtering. In the aforesaid F.I.R also, the petitioners have been named.



However, in the F.I.R lodged by Imajuddin who is the only source of information of the Police in the present case, it has been stated by him that he was called at the place of occurrence by the Police.

Apart from the aforesaid factual issue, it has been urged by the petitioners that they are facing investigation in two F.I.Rs for identical offence.

In the case lodged by Imajuddin, the petitioners are on Police bail.

It has been submitted by learned counsel for the petitioners that apart from the other case about which reference has been made in para 3 of the petition, the petitioners have not been made accused in any case whatsoever earlier.

Considering the facts that petitioners have been named by Imajuddin, who too has filed an F.I.R stating that he was called by the local Police, thereby making implication of the petitioners in the present case highly suspect, the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four



weeks from today, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st, Class, Kishanganj in connection with Kodhobari P.S. Case No. 44 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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