

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7979 of 2020

Arising Out of PS. Case No.-146 Year-2019 Thana- PANAPUR District- Saran

1. ASLAM RAI Son of Islam Rai Resident of Village- Harakh Pakri, P.S.- Panapur, District- Saran at Chapra.
2. Anwar Rai Son of Wakil Rai Resident of Village- Harakh Pakri, P.S.- Panapur, District- Saran at Chapra.
3. Firoj Rai Son of Late Izrail Rai Resident of Village- Harakh Pakri, P.S.- Panapur, District- Saran at Chapra.
4. Baharan Rai @ Baharan Ali Son of Teza Rai Resident of Village- Harakh Pakri, P.S.- Panapur, District- Saran at Chapra.
5. Munni Khatoon Wife of Dhanu Rai Resident of Village- Harakh Pakri, P.S.- Panapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Jeetendra Narayan
For the Opposite Party/s :	Mrs. Anita Kumari Singh
	Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Jitendra Narayan, learned counsel for the petitioners and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

At the outset, the learned counsel for the petitioner has submitted that the petitioner nos. 2 & 4 have already been



arrested, hence the present petition qua the petitioner nos. 2 & 4 is not being pressed.

Accordingly, the present petition qua the petitioner nos. 2 & 4 stands dismissed as not pressed.

The petitioner nos. 1, 3 & 5 apprehend their arrest in connection with Panapur P.S. Case No. 146 of 2019 for the offence registered under Sections 429, 295, 295(A)/34 of the Indian Penal Code.

The case of the prosecution in brief is that when the informant was sitting at the door of his house on 19.07.2019 at about 12:30 in the afternoon, one person was going on a motorcycle and some suspicious article was kept in a sack on the back seat of his motorcycle whereupon the informant tried to catch him but he managed to flee from there, however, when he went forward, he started throwing some article, after taking it out from the sack and then the co-villagers had caught him. The apprehended person is said to have disclosed his name as Samsher Alam whereafter the sack was checked and one kg. cow meat was recovered and the police was informed. The person who was caught from the spot disclosed that he was taking the cow meat for the petitioners herein.

The learned counsel for the petitioner nos. 1, 3 & 5 has



submitted that the petitioners are innocent, they have been falsely implicated in the present case and are have clean antecedents. It is further submitted that the petitioner nos. 1, 3 & 5 have got no complicity in the matter and have been roped in the present case merely on suspicion and upon confessional statement of the co-accused persons, namely, Samsheer Alam.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioners and taking into account the fact that the cow meat has not been recovered from the petitioners herein and they have been merely roped in the present case on the basis of the confessional statement of the co-accused persons, and are having clean antecedents, I deem it fit and proper to admit the petitioner nos. 1, 3 & 5 to the privilege of anticipatory bail.

Accordingly, the petitioner nos. 1, 3 & 5, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial



Magistrate, Saran at Chapra in connection with Panapur
P.S. Case No. 146 of 2019 subject to the conditions as stipulated
under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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