

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55110 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- ABADPUR District- Katihar

1. Aajim @ Ajim Ali @ Ajimuddin Son Of Late Saifat Ali Resident Of Village-Govindpur Hat, Police Station- Abadpur, District- Katihar.
2. Shahjaan @ Shahjan Ali @ Sahajaan Son Of Ajim Ali Resident Of Village-Govindpur Hat, Police Station- Abadpur, District- Katihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Helal Ahmad- Advocate
For the State	:	Mr. Satyendra Prasad- A.P.P.
For the Informant	:	Mr. Ajit Kumar Singh- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-02-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in connection with Abadpur P. S. Case No.120 of 2020, instituted for the offences under Sections 147, 149, 436, 427, 504 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioner no.1 is in custody since 09.02.2021, petitioner no.2 is in custody since 18.02.2021, both have antecedents of three cases and charge-sheet has been submitted in the case.

The learned counsel for the petitioners submits that as per prosecution case, on 12.11.2020 at 7.00 P.M. all the F.I.R. named accused persons including the petitioner abused the



informant and on protest, the co-accused Aajim ordered all the accused persons to set the house on fire and then the petitioner no.2 along with Aajit and other accused persons set the house of the informant on fire by pouring kerosene from the container. They also caught Panjenoor, the brother of the informant and tried to throw him in the fire.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and the present case has been instituted on account of land dispute and the informant has filed one case after another and this is the third case, which has been filed by the informant against the petitioners. Moreover, there is a delay of two days in lodging the F.I.R. The occurrence took place on 12.11.2020 whereas the F.I.R. was lodged on 14.11.2020 without any plausible explanation.

The learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application, but is not able to meet the submission made by the learned counsel for the petitioners that there was a delay in institution of the F.I.R.

The learned counsel for the petitioners submits that co-accused Aajit @ Aziz, Katika and Enamul have been granted bail by order dated 26.11.2021 in Cr. Misc. No.50306 of 2021.



Considering the fact that the petitioners are in custody, charge-sheet has been submitted in the case and co-accused have been granted bail, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar in connection with Abadpur P. S. Case No.120 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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