

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51096 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- BASANHI District- Saharsa

1. Md. Ainul Son Of Md. Mustuph @ Md. Mustufa Resident Of Ward No.7, Village - Paman, Police Station - Sonbersa Raj, District - Saharsa
2. Md. Samim @ Md. Sainul Son Of Md. Mustuph @ Md. Mustufa Resident Of Ward No.7, Village - Paman, Police Station - Sonbersa Raj, District - Saharsa

... .. Petitioner/s

Versus

The State Of Bihar Village Paman

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehends arrest in connection with Basnahi P.S. Case No. 20 of 2023 dated 05.02.2023, instituted for the offence punishable under Sections 426, 427, 436, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 03.02.2023 at midnight, petitioners along with two co-accused persons came to the informant's house and started to abuse her and thereafter set her house on fire due to which her household



articles like motorcycle, ornaments box etc. burnt to ashes.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioners are brother of the informant. It is further submitted that the occurrence took place on 03.02.2023 and the F.I.R. was lodged on 05.02.2023 and there is no explanation for the delay in lodging the F.I.R. Learned counsel further submits that wife of petitioner no. 1 earlier filed a Complaint Case bearing Complaint Case No. 164C of 2021 against the informant and others which is presently pending. Subsequently, a title suit bearing Title Suit No. 988 of 2022 is also pending between the petitioners and the informant. Lastly, it has been submitted that they have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Basnahi P.S. Case No. 20 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate III, Saharsa, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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