

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47802 of 2023

Arising Out of PS. Case No.-145 Year-2016 Thana- HATHAURI District- Muzaffarpur

Atiqur Rahman, male, aged about 43 years, son of Late Md. Muslim, R/o Village-Khanpur, P.S.-Hathauri, Distt.-Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shashank Shekhar, Advocate

For the Opposite Party : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Hathauri P.S. Case No. 145 of 2016 dated 20.12.2016, instituted for the offence punishable under Sections 147, 149, 341, 323, 436, 307 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on 19.12.2016 at about 10:00 pm, when the informant along with his family members were sleeping then someone has sprinkled petrol around the house and set on fire due to which, four cattle were badly burnt and one of them was died. It is further alleged that the named accused stolen one cow. On heard of sound of the cattle, the informant came out from the house and saw that



all alleged persons was fleeing away and on the basis of identification, he lodged F.I.R. against the petitioner and other accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is also submitted that the informant is not the eye witness as who has sprinkled the petrol. The occurrence took place in the night of 19th of December, 2016 at about 10:00 pm and it was a foggy night. It is further submitted that due to previous enmity and village politics, the name of the petitioner has come in this case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner. It is submitted that though it has been mentioned in the petition at paragraph 3 that petitioner has no criminal antecedents, but the impugned order shows that one case bearing Hathauri P.S. Case No. 72 of 2009 is going on between the parties.

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 Hathauri P.S. Case No. 145 of 2016, he shall be released on anticipatory bail upon fur-



nishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Muzaffarpur East, subject to conditions as laid down under Section 438(2) of the Criminal Procedure Code as well as verification of the criminal antecedents of the petitioner. If any case other than the case mentioned above as well as the present case is found pending against the petitioner, this bail order shall be treated as stands cancelled.

(Khatim Reza, J)

Gaurav Kumar/-

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