

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20968 of 2024

Arising Out of PS. Case No.-341 Year-2023 Thana- BARSOI District- Katihar

1. Jahrul @ Zahrul S/o- Usman Village- Mohanpur Ps- Barsoi Dist- Katihar
2. Haider @ Haidar Ali son of Alauddin Village- Mohanpur Ps- Barsoi Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Najeeb Ahmad , Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-04-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 436, 341, 323, 354 and 34 of the Indian Penal Code .

3. As per prosecution case, on 29 .08.2023 , all the F.I.R. named accused persons, including these petitioners, set the house of the informant on fire due to which informant sustained loss of his property .

4. It is submitted by learned counsel appearing on behalf of the petitioners that only on the basis of suspicion, the petitioners have been made accused in this case. Informant is not an eye-witness of the alleged occurrence. Moreover, the F.I.R. has been lodged after a delay of 52 days, for which there



is no further explanation which itself creates serious doubt over the entire prosecution . Similarly situated co-accused persons have already been granted bail by the this Court vide *Annexure - 2* of the bail petition i. e, order dated 22.02.2024 in Cr. Misc. No. 11718 of 2024 .

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances and delay in lodging of the F.I.R., the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail 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 1st, Katihar, in connection with Barsoi P.S. Case No.341 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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