

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26791 of 2024

Arising Out of PS. Case No.-349 Year-2013 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Ajaz Ahamad S/O Late Badaruddin
 2. Md. Shani Mian @ Md. San @ Md. Sani S/O Late Md. Hussain
 3. Md. Kalimullah S/O Late Khalil Mian
 4. Shamim Mian @ Shamim Ansari @ Shamim S/O Late Nek Mohamad Ansari, All R/O Village- Aamodai, P.S- Ramgarhwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jagarnath Prasad S/O Shivshankar Prasad R/O Village- Aamodai, P.S- Ramgarhwa, Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manjeet Kumar Mishra, Advocate
For the Opposite Party/s :	Mr. Syed Mojibur Rahman, APP
	Ms. Indu Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-05-2024 1. Heard learned counsel for the petitioners, learned APP for the State along with learned counsel appearing on behalf of the complainant.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 447, 379, 420, 467, 468, 471, 120(B) of the IPC in connection with Complaint Case No.349(C) of 2013

3. The learned counsel for the petitioners submit that initially an FIR was instituted by the instant complainant, but



the police after threadbare investigation came to a considered conclusion that petitioner was innocent and thus final form was submitted exonerating the petitioners of the allegation. It is further submitted that even the learned trial court accepted the final form, but the informant had filed a protest petition which was also dismissed and the same was challenged before the learned District Judge in revision, but then the order dismissing the protest petition was affirmed.

4. It is next submitted that the complainant again filed second revision before the learned District Judge based on which the order dismissing the protest petition was set aside and the matter was remanded back based on which cognizance came to be taken as the protest application was treated as complaint case.

5. The learned counsel thus submits that when one investigating agency found the petitioners to be innocent whether it would be prudent for this Court to send the petitioners to jail.

6. The learned APP along with learned counsel appearing on behalf of the complainant opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the



petitioners that the police after investigation had submitted final form exonerating the petitioners of the allegation and in the nature of allegation it appears that the dispute is also civil in nature.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Raxaul at Motihari in connection with Complaint Case No.349(C) of 2013, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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