

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54125 of 2024

Arising Out of PS. Case No.-122 Year-2023 Thana- DIGHALBANK District- Kishanganj

1. Abdul Rajjak Son Of Late Darman Ali Village- Jagir Dahibhat, Ps- Dighalbank, Dist- Kishanganj
2. Mahbub Alam @ Md. Mahbub Alam Son Of Abdul Rajjak Village- Jagir Dahibhat, Ps- Dighalbank, Dist- Kishanganj
3. Masood Alam @ Md. Mashood Madni Son Of Abdul Rajjak Village- Jagir Dahibhat, Ps- Dighalbank, Dist- Kishanganj
4. Muzahir Alam @ Md. Mujahid Madni Son Of Abdul Rajjak Village- Jagir Dahibhat, Ps- Dighalbank, Dist- Kishanganj
5. Mahmud Alam @ Md. Mahmood Madni Son Of Abdul Rajjak Village- Jagir Dahibhat, Ps- Dighalbank, Dist- Kishanganj
6. Hakumuddin Son Of Farmodin Village- Pakkamuri Dahibat, Ps- Dighalbank, Dist- Kishanganj
7. Ansar Alam @ Md Ansar Alam Son Of Hakimuddin Village- Pakkamuri Dahibat, Ps- Dighalbank, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan
For the Opposite Party/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 29-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 436/34 of the Indian Penal Code & Sections (3(i)(r)(s) of the SC/ST (POA) Act.
3. Learned counsel for the petitioners submits that



petitioners have been falsely implicated in the instant case by the informant. It is next submitted that in sum and substance, the informant alleges that the petitioners burnt the dwelling house of the informant, after pouring petrol over it, in which, the wife of the informant along with cattle received injury and the cattle also died subsequently.

4. The learned counsel submits that the police after threadbare investigation came to a considered conclusion that the petitioners are innocent and thus submitted Final Form No.7 of 2024 dated 25.01.2024 (Annexure-2 to the anticipatory bail application) exonerating the petitioners of the allegation but the learned Magistrate differing with the police report, took cognizance, as such, the petitioners apprehend their arrest. It is next submitted that when one investigating agency after threadbare investigation came to a considered conclusion that petitioners are innocent, whether it would be prudent for this court to send the petitioners to jail, based on an order of cognizance, which came to be taken, based on the same investigation, which found the petitioners to be innocent.

5. Learned A.P.P. opposes the prayer for anticipatory bail of the petitioners.

6. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Dighalbank P.S. Case No.122 of 2023 (S.T. Case No.55/2024), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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