

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59569 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- JOKIHAT District- Araria

1. Jaydeep Kumar @ Jaydip Kumar Viswas @ Pappu Son of Revati Vishwas Resident of Village- Wajidpur Ward no 01, P.S.- Jokihat (Mahalgaon) Distt.- Araria
2. Bharat Kumar Viswas @ Bharat Kumar Son of Rakesh Viswas Resident of Village- Wajidpur Ward no 01, P.S.- Jokihat (Mahalgaon) Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti
For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-09-2024 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 offences punishable under Sections 436, 427, and 120B of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 16-2-2024 while he was sleeping, when the accused person including the petitioners came and set his house on fire, further in the fire, the house along with a motorcycle and Rs. 25,000/- and other articles got burnt and the petitioners were identified while fleeing.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the



informant. It is next submitted that no occurrence as alleged has ever taken place. It is also submitted that the date of occurrence is 16-2-2024 and the FIR came to be instituted on 18-2-2024, i.e., after a delay of two days, which amply demonstrates that the informant, by way of afterthought, implicated the petitioners for reasons best known. It is next submitted that the FIR does not even remotely disclose the motive behind the occurrence. It is further submitted that the order impugned records that in the case diary, photographs of the burnt house and the motorcycle is annexed, but then it is submitted that the same was provided to the police two months after the occurrence, as specifically pleaded at Para-12 of the anticipatory bail application. It is also submitted that from the photographs, it would manifest that the same does not even remotely suggest that the house and the motorcycle were burnt. It is next submitted that the petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State 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 trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Jokihat P.S. Case No. 58 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioners after recording reasons.

8. It is further made clear that if after investigation, charge sheet is submitted connecting the petitioners with the offence, in that event the present anticipatory bail order shall lose its effect.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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