

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60452 of 2024

Arising Out of PS. Case No.-362 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Noor Mohammad @ Nur Mohammad @ Noor Mohammad Mian Son Of Md Hanif @ Md. Haneef Resident Of Village - Khetas Kalna, Police Station - Kusheshwar Asthan, District- Darbhanga
 2. Md. Iliyas Son Of Md. Hanif @ Md. Haneef Resident Of Village - Khetas Kalna, Police Station - Kusheshwar Asthan, District- Darbhanga
 3. Md. Hafeez @ Md. Hafij @ Abdul Hafeez Son Of Noor Mohammad @ Noor Mohammad Mian @ Nur Mohammad Resident Of Village - Khetas Kalna, Police Station - Kusheshwar Asthan, District- Darbhanga
 4. Md. Phool Hasan @ Md. Fulhasan Son Of Md. Islam Resident Of Village - Khetas Kalna, Police Station - Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Thakur Brajesh Singh
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-08-2024 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 offences punishable under Sections 147, 148, 149, 341, 323, 324, 308 and 506 of the Indian Penal Code.
3. Learned counsel for the petitioners submit that petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is also submitted that police after threadbare Investigation came to a



considered conclusion that petitioners are innocent and thus submitted Final Form No. 47 of 2024 dated 30.03.2024 exonerating the petitioners of the offence (Annexure-4), but then the learned Magistrate differing with the police report took cognizance of the offences, the learned counsel thus submits that when one investigating agency after a 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 report, which exonerated the petitioners of the allegation.

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

5. 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 Kusheshwar Asthan P.S. Case No. 362 of 2023 subject to the



conditions as laid down under Section 438 (2) of the Cr.P.C.

6. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

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