

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64299 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- PAHARKATTA District- Kishanganj

1. Guliman Wife of Rahman R/o vill - Mohghar, ward no. 4, P.S. - Paharkatt, Distt. - Kishanganj
2. Safatan @ Safatan @ Safan Khatun W/o Master R/o vill - Mohghar, ward no. 4, P.S. - Paharkatt, Distt. - Kishanganj
3. Lalu @ Mirsab S/o Rahman R/o vill - Mohghar, ward no. 4, P.S. - Paharkatt, Distt. - 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.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-10-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 447, 341, 323, 324, 307, 354, 354(B), 379, 384, 504 and 506/ 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation in nutshell is that all the accused persons including the petitioners surrounded the informant and thus, facilitated accused Majeed in assaulting him causing injury on his head



and other parts of the body with sword.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that police after threadbare investigation came to a considered conclusion that petitioners are innocent and thus, submitted final form no.55 of 2024 dated 26.05.2024 (Annexure-2) in favour of the petitioners, but the learned Magistrate differing with the final form took cognizance by an order dated 01.06.2024 (Annexure-3). The learned counsel thus submits that when one Investigating Agency after threadbare investigation came to a considered conclusion that petitioners are innocent whether it would be prudent for the Court to send the petitioners to jail based on an order of cognizance which came to be taken on the same police report by which petitioners were exonerated.

5. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application.

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, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Paharkatta P. S. Case No.32 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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