

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74432 of 2024

Arising Out of PS. Case No.-28 Year-2010 Thana- NAVINAGAR District- Aurangabad

1. Abdul Hai Ansari S/O Gafoor Ansari R/O Village and P.O.- Badem, P.S.- Nabinagar, District- Aurangabad, Bihar
2. Sahjahan Ansari @ Sahjahan S/O Abdul Hai Ansari R/O Village and P.O.- Badem, P.S.- Nabinagar, District- Aurangabad, Bihar
3. Abdul Hafiz @ Abdul Hafiz Ansari S/o Late Rashid Ansari R/O Village and P.O.- Badem, P.S.- Nabinagar, District- Aurangabad, Bihar
4. Abdul Majid S/O Late Rashid Ansari R/O Village and P.O.- Badem, P.S.- Nabinagar, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-10-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 436/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they set fire in the poultry farm of the informant and caused damage.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior



motive. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that parties are neighbours and petitioners are also investors in the said poultry farm. It is further submitted that the fire was caused by *dhibri* which was said to have been used by the informant. There is no specific allegation against petitioners rather the allegations are general and omnibus in nature. Petitioners have no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State opposed the prayer for bail by submitting that from bare perusal of the F.I.R., it is evident that there is specific allegation against the petitioner nos.2 and 3 to have set fire in the poultry farm of the informant.

6. Having regard to the facts and circumstances of the case, considering that there is no specific overt act against the petitioner nos. 1 and 4, let the petitioner nos. 1 and 4 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Nabinagar P.S. Case No.28 of 2010, subject to the conditions as laid down



under Section 438(2) of the Cr.P.C.

7. However, considering the specific allegation against the petitioner nos. 2 and 3, I am not inclined to enlarge the petitioner nos.2 and 3 on anticipatory bail. The prayer for grant of bail on their behalf is hereby rejected.

8. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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