

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80321 of 2023

Arising Out of PS. Case No.-232 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

1. Manowar Alam @ Mohammad Manowar Alam @ Md Manowar Alam S/O Mohammad Basiruddin @ Basiruddin R/O Village- Makhdumpur, Ps. Muffasil, Dist. Katihar.
2. Mohammad Mister @ Md. Mister S/O Mohammad Basiruddin @ Basiruddin R/O Village- Makhdumpur, Ps. Muffasil, Dist. Katihar.
3. Abdul Kumar S/O Abdul Jabbar R/O Village- Makhdumpur, Ps. Muffasil, Dist. Katihar.
4. Abdul Umar S/O Abdul Jabbar R/O Village- Makhdumpur, Ps. Muffasil, Dist. Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Rajendra Prasad Sah, Advocate
For the Opposite Party : Mr.Nand Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 323, 307, 427, 295A/120B and other ancillary sections of the Indian Penal Code.

3. As per the prosecution case, petitioners no.1, 2 and 3 sprinkled kerosene oil on the motorcycle of the informant and then set it on fire. Accused persons tried to push the informant on the burning motorcycle.

4. It is submitted on behalf of the petitioners that the FIR is against 19 named and 40 to 50 unknown accused persons.



As a matter of fact, earlier son of the informant and others had tried to disturb the cultural programme of the school for which Mufassil Police Station Case No. 21/2019 had been instituted against the accused persons and the instant false case has been lodged by the informant in retaliation and to create defence. Moreover, there is general and omnibus allegation against these petitioners. F.I.R. has been lodged after inordinate delay of 35 days without any explanation which renders the entire prosecution case doubtful.

5. Considering the delay and nature of accusation, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Katihar in Katihar Mufassil Police Station Case No. 232 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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