

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10471 of 2024

Arising Out of PS. Case No.-145 Year-2016 Thana- HATHAURI District- Muzaffarpur

1. Md. Shaukat Son Of Md. Salam Resident Of Village- Khanpur, Ps-
Hathauri, Dist- Muzaffarpur
2. Md. Murtuza Son Of Md. Farukh Resident Of Village- Khanpur, Ps-
Hathauri, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Hathauri P.S. Case No. 145 of 2016, registered for the alleged offence under Sections 147, 149, 341, 323, 436, 307, 506 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, the petitioners and other co-accused persons sprinkled petrol and set on fire the backyard of the informant and in this fire, five cows were burnt. The petitioners and co-accused persons fled away with one milch cow. The occurrence took place in the background of earlier dispute between the parties as in Hathauri P.S. Case No. 72 of 2009, the



trial was about to be completed and the petitioners and other co-accused persons have been pressurizing the informant to withdraw the said case.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. It is not believable that in the dead of night, the petitioners were identified with other co-accused persons, as the occurrence took place in the month of December in a foggy night. Altogether 20 accused persons have been named in the FIR and their identification with certainty is not possible. The allegation against the petitioners and others are general and omnibus. Other similarly situated co-accused persons have been granted anticipatory bail by the different Co-ordinate Benches of this Court vide order dated 07.02.2024 passed in Criminal Misc. No. 1231 of 2023 and order dated 17.02.2024 passed in Criminal Misc. No. 4332 of 2024, respectively. Learned counsel further submits that the petitioner no. 2 has got no criminal history whereas petitioner no. 1 is having one criminal antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioners and also



considering the possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Muzaffapur East/concerned court in connection with Hathauri P.S. Case No. 145 of 2016, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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