

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5323 of 2024

Arising Out of PS. Case No.-827 Year-2023 Thana- KHAGARIA District- Khagaria

1. NAGO SADA S/O- LATE MITHU SADA R/O- VILL.-SOURAIDIH, PS-MUFFASIL, DSTT.- KHAGARIA.
2. ARJUN SADA S/O- LATE NATHUNI SADA R/O- SOARAIDIH, PS-MIFFASIL, DIST. KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ram Sumiran Rai, Advocate
For the State	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-02-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 461, 380, 504, 506 and 34 of the Indian Penal Code.

3. Case of the prosecution in brief is that on 08.08.2023 at about 2 o' clock in the night, these petitioner, on the point of pistol, stole a goat from the house of the informant and also looted articles worth Rs.40,000/- (Forty thousand rupees) and cash worth Rs.25,000/- (Twenty five thousand rupees) from his shop.

4. It is submitted by learned counsel appearing on behalf of the petitioners that in the present case, the F.I.R. has been lodged after delay of five days of the alleged occurrence, without any explanation for the same. He further submits that as a matter of fact, prior to the alleged incident, son of Petitioner



No. 1 had lodged Khagaria Muffasil P.S. Case No. 807 of 2023 against the informant and his family members for offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and in retaliation, this false and concocted case has been lodged. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the rival submissions, case and counter-case and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners 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 learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria Muffasil P.S. Case No.827 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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