

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19227 of 2025

Arising Out of PS. Case No.-332 Year-2023 Thana- PALASI District- Araria

1. Md. Rashid @ Iblu @ Abdul Raseed @ Dablu Son of Late Basir Uddin @ Vasir Uddin @ Basir Resident of Village - Mohania, P.S. - Palasi, District - Araria
2. Md. Kamrul @ Md. Kamarul @ Kamarul Son of Late Basir Uddin @ Vasir Uddin @ Basir Resident of Village - Mohania, P.S. - Palasi, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Kumar Ravish
For the Opposite Party/s :	Mr. Braj Kishore Pd.(APP)
	Ms. Puja Kumari
	Mr. Md. Ziaul Quamar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-04-2025 1. Heard learned counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.
3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that he identified the accused persons including the petitioners, who were seen hanging a man on a tree, when he had gone to attend the call of nature. Accordingly,



he raised an alarm, when accused persons fled from the place of occurrence. Further, he identified the dead body as of his brother.

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 the case was investigated and the police after threadbare investigation was not able to collect any evidence during the course of investigation connecting the petitioners with the offence, as such, final form was submitted. It is further submitted that the learned trial Court differing with the police report took cognizance based on which, the petitioners apprehend their arrest. The learned counsel further submits that one investigating agency after a threadbare investigation came to a considered conclusion that petitioners are innocent whether it would be prudent for this Court to send the petitioners to jail based on an order of cognizance, which came to be taken based on the same investigation report which exonerated the petitioners of the allegations. It is also submitted that petitioners will not abscond rather will cooperate in the trial to prove their innocence.

5. Learned the learned counsel appearing on behalf of the informant as well as learned A.P.P. opposes the anticipatory



bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that police after investigation submitted final form exonerating the petitioners of the allegation.

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 Sri Skand Raj, the learned Judicial Magistrate, 1st Class, Araria in connection with Palasi P. S. Case No.332 of 2023, 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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