

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42362 of 2025

Arising Out of PS. Case No.-112 Year-2024 Thana- MAHISHI District- Saharsa

1. Lal Bahadur Pathak @ Keshav Kumar Pathak S/O Shri Anil Pathak R/O Village- Mahishi, P.S- Mahishi, Distt.- Saharsa.
2. Ajit Pathak @ Ajit Kumar Pathak S/O Shri Anil Pathak R/O Village- Mahishi, P.S- Mahishi, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pramod Mishra, Advocate
For the Opposite Party/s :	Mr. Mukesh Kumar Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Mahishi P.S. Case No. 112 of 2024 lodged on 23.04.2024, for the offence punishable under Sections 427, 429, 436, 504 & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioners. It has been alleged in the FIR that when the informant was sleeping in his house then suddenly, flames of fire started rising all around his house but somehow he went out of the house and saw five persons fleeing away after setting fire due to which



some food items and cattle were all burnt. Thereafter, when fire brigade vehicle came, then the fire was extinguished. It is further alleged that two days ago, there was a dispute with the accused persons over rural matters in which accused Anil Pathak had threatened the informant that he would set fire to his house and kill everyone.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that from the nearby place of the informant, the electric wire of 11 K.V was passing and it was month of April and due to heat effect or electric shot-circuit, the alleged occurrence took place and taking benefit of the said occurrence, the informant has lodged the present case against the petitioners and other family members. Counsel submits that the allegation of strong suspicion is against accused Anil Pathak who is in custody and rest persons are the family members and only due to this reason, their names have been inserted in this case. Counsel further submits that the petitioners have one criminal antecedent in which they are on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the main accused against whom there is strong suspicion and allegation is already in



custody.

6. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Chief Judicial Magistrate, Saharsa, in connection with Mahishi P.S. Case No. 112 of 2024, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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