

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57308 of 2024

Arising Out of PS. Case No.-300 Year-2022 Thana- BIHPUR District- Bhagalpur

1. Md. Sajjad @ Sajjad Ali
2. Md. Sarobar @ Sarobar Ali @ Sarvar Ali
3. Md. Ajhar Ali @ Ajhar Ali
All Are Sons Of Md. Alim Ali @ Alim Ali Resident Of Village -
Narayanpur, P.S. - Bihpur (Bhawanipur), District - Bhagalpur
- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 436/34 of the Indian Penal Code in connection with Bihpur (Bhagwanipur) P.S. Case No.300 of 2022.

3. The learned counsel for the petitioners submit that petitioners have antecedent of one case and the informant alleges that in the night of 04.06.2022 at about 09.25 AM the accused persons named in the FIR set the cottage house of the informant on fire situated at Nagarpara Mauza. Further the informant was informed about the occurrence by co-villagers on mobile phone, on which he came at the place of occurrence



when the co-villagers informed the informant that when they came at the place of occurrence they saw Sarobar Ali started his motorcycle and Ajhar Ali who was carrying a bottle of oil fled towards south while Saijad Ali and Samsad Ali who were armed with iron rod fled towards NH-31 and they were identified in the light of fire.

4. The learned counsel submits petitioners have been falsely implicated in the instant case by the informant on account of existing dispute. It is further submitted that informant is not an eyewitness to the occurrence and from perusal of the allegation as alleged in the FIR it would manifest that informant alleges that nearby people/co-villager informed him about the occurrence and also disclosed about the accused persons, but then the FIR is completely silent that as to who disclosed the name of the petitioners to the informant, which casts an aspersion on the case of the prosecution.

5. The learned APP opposes the anticipatory bail application.

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



anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, IIIrd, Bhagalpur in connection with Bihpur (Bhagwanipur) P.S. Case No.300 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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