

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9293 of 2015

Arising Out of PS.Case No. -221 Year- 2014 Thana -ARA MUFFSIL District- BHOJPUR

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1. Ram Eshwar Yadav son of Late Jai Ram Yadav,
2. Chandradev Yadav @ Chandeo Yadav, Son of Rameshwar Yadav
3. Mukesh Yadav son of Rameshwar Yadav
4. Kaushal Yadav @ Pritam Yadav @ Kausal Kumar, Son of Chandrama Yadav,
5. Sudarn Yadav @ Shudarshan Yadav son of Late Jai Ram Yadav All Resident of village- Sarangpur, P.S.- Ara Muffassil, District- Bhojpur at Ara (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 15-05-2015 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Ara (Muffasil) P.S. Case No. 221 of 2014 registered under Sections- 147, 148, 149, 323, 504, 379, 436 & 354 of the Indian Penal Code.

Petitioners are agnates of the informant and the case has been registered under bailable sections except Sections-379, 436 & 354 of the Indian Penal Code. The accusation of Section- 379 of the Indian Penal Code has been found untrue and so far as Section-436 of the Indian Penal Code is concerned; it is submitted on behalf of the petitioners that the hut, in question, was never

used by the informant for dwelling purposes and therefore, even if, it assumed that the aforesaid house was set on fire, then also, at best, it is a case under Section-435 of the Indian Penal Code which is bailable in nature. It is further contended by him that there is case and counter case between the parties and as a matter of fact, the dispute took place between the parties on account of partition dispute.

Considering the facts and circumstances of the case as well as submission of the parties and also keeping in mind that petitioners do not have any criminal antecedent, let the petitioners named above, in the event of their arrest or surrender within four weeks from the date of receipt/production of copy of the order in the court below, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Ara (Muffasil) P.S. Case No. 221 of 2014 corresponding to the satisfaction of Learned Chief Judicial Magistrate, Bhojpur at Ara subject to conditions as laid down u/S 438(2) of the Code of Criminal Procedure.

(Hemant Kumar Srivastava, J)

A.K.V./-

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