

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37407 of 2015

Arising Out of PS.Case No. -211 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

1. Chhote Lal Mandal Son of Kapildeo Mandal, resident of village Naya Nagar, Mamaldeyi, P.S. Kahalgaon, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 447, 341, 323, 379, 436/34 of the Indian Penal Code and 25(1-B)a of the Arms Act.

The prosecution case is that the informant saw that the petitioner and his father Kapildeo Mandal were constructing cottage over her land. On protest being made, the petitioner snatched gold ear-ring of the informant. When Ashok Mandal came to pacify the matter, the father of the petitioner assaulted on his head with the country made pistol. On alarm being raised to villagers reached on the spot and caught co-accused Kapildeo

Mandal with country made pistol, arrow and cartridges. In the meantime petitioner put the cottage on fire.

It is submitted by the learned counsel for the petitioner that the land in question was purchased by the father of the petitioner from Sitaram Santhalia in 2011 through a registered sale deed. The same has been brought on record as Annexure-2 to the supplementary affidavit and the petitioner is paying rent till date and rent receipt of 2011 has been brought on record as Annexure-3. The petitioner's father earlier filed Complaint Case No. 1202 of 2014 against the informant and his vendor Sitaram Santhalia, thereafter the present case has been lodged. It is further submitted that as per own admission of the informant the alleged hutment was constructed by the petitioner hence there was no occasion for the petitioner to lit fire his own cottage rather the cottage was set on fire by the informant's side and the case has been lodged to save their own skin. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Md. Anwar Shamim, Judicial Magistrate, Ist Class, Bhagalpur in connection with Kahalgaon

P.S. Case No. 211 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.



(Dinesh Kumar Singh, J)