

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49498 of 2014

Arising Out of PS.Case No. -67 Year- 2014 Thana -BUXAR INDUSTRIAL District- BUXAR

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1. Satya Narayan Mishra
2. Ramashray Mishra,
Both sons of Late Bhuneshwar Mishra
3. Chandan Mishra, son of Hirdya Nand Mishra
All residents of Dhudharchak,P.S-Industrial Area ,District-Buxar
..... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Satyendra Narayan Singh, Advocate
For the Opposite Party : Mr. Manoj Kumar-I(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 14-05-2015 Heard learned counsel for the petitioners and the learned counsel for the informant. Learned counsel for the State is also present.

The petitioners are apprehending their arrest in connection with Buxar (Industrial Area) P.S. Case No.67 of 2014 for the offence registered under Sections 436/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegation made out against the petitioners is improbable and concocted in view of the fact that though the informant, who claims to be an eye-witness, had reached the place of occurrence, yet the case was not lodged on the same day; rather as an afterthought, the same was lodged on the following day. It is submitted that no any plausible explanation was being offered

for the delay in lodging the F.I.R. On the other hand, learned counsel for the informant submits that though the police came, they did not register the F.I.R. on the same day; rather it was only thereafter that the same could be registered.

However, considering the nature of the allegations and the fact that the informant has himself submitted in his statement before the police that the police had, in fact, reached the place of occurrence at the time the house in question was burning, it is rather improbable that the case could not be registered on the same day.

In the wake of such facts and circumstances of the case, let all the three above named petitioners, in the event of their arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar, in connection with Buxar (Industrial Area) P.S. Case No.67 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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