

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49249 of 2015

Arising Out of PS.Case No. -384 Year- 2012 Thana -BIHPUR District- BHAGALPUR

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1. Md. Raju Ali son of Md. Naatho Ali
 2. Md. Boudhi Ali son of Md. Muslim Ali
 3. Md. Sikko Ali son of Md. Ali Hussien
- All are residents of Village- Chakrami, P.S.- Bhawanipur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s : Mr. M.K.Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-11-2015 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Bihpur (Bhawanipur) P.S. Case No.384 of 2012 registered under sections 436 and 427 read with 34 of the Indian Penal Code.

The petitioners are named in the FIR and there is specific allegation against them that they set the shop of the informant on fire causing damage to property worth Rs.4,00,000/- (four lakh). It would appear from the impugned order passed by the court below that the witnesses have supported the allegation during investigation. However, learned counsel for the petitioners

has submitted that the petitioners have been implicated in the case with oblique motive. An accidental fire had taken place in the shop of the informant and since the petitioners were protesting against the liquor shop being run by the informant in the village, they have been implicated in the present case.

Learned counsel for the State has opposed the prayer for grant of anticipatory bail. It is submitted that sufficient materials have been collected during investigation to show that the petitioners were directly involved in committing the offence.

Be that as it may, regard being had to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for anticipatory bail is rejected.

In case the petitioners surrender and seek bail, the same shall be considered on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Md.S./-

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