

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30393 of 2014

Arising Out of PS.Case No. -54 Year- 2013 Thana -AURAI District- MUZAFFARPUR

=====

1. Rita Devi, Wife of Shyam Ram
2. Sangita Devi, Wife of Mukesh Ram
3. Sanju Devi, Wife of Shambhu Ram
4. Sujit Ram @ Swijit Ram, S/o Ranu Ram
5. Shyam Ram, Son of Bilat Ram
6. Mukesh Ram, Son of Bilat Ram
7. Shambhu Ram, Son of Bilat Ram
8. Bilat Ram, Son of Late Fakira Ram
9. Ranu Ram, Son of Late Fakira Ram
All are resident of village- Amnaur, P.S.- Aurai, District- Muzaffarpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Ajay Kr. Jha, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-01-2015 The petitioner nos. 4 and 8 have already been arrested and as such, prayer has been made to withdraw their prayer for pre-arrest bail as their prayer has become infructuous.

Accordingly, this Criminal Miscellaneous against the petitioner nos. 4 and 8 stands dismissed as withdrawn to have become infructuous.

Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners, apprehending their arrest in connection

with Aurai P.S. Case No. 54 of 2013 registered for the offences punishable under Sections 436, 341 and 504/34 of the Indian Penal Code, seek the privilege of pre-arrest bail.

Allegedly, the petitioners came and petitioner no. 3 Sanju Devi set the house on fire and when the informant went there, she was assaulted by Sangita Devi, petitioner no. 2 with bomboo 'Mungari' and when Shanti Devi came for rescue then all assaulted and abused her and due to the fire other houses of the villagers were also burnt.

Submission is that this case is counter-blast of Aurai P.S. Case No. 53 of 2013 registered under Sections 436, 341, 342, 323, 337 and 504 of the Indian Penal Code. As a matter of fact, the house of petitioner no. 7 was burnt by the prosecution side and to save the skin they have lodged this case. Admittedly, the land whereupon the informant's house was newly constructed is in illegal possession and the informant was not willing to vacate the premises. Injuries caused are simple in nature.

The learned counsel for the informant and learned A.P.P. oppose the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that there is counter version and the house of petitioner no. 7 is also alleged to have been burnt by the informant

and her men and as such, the petitioners, in case of their arrest or surrender within two months from the date of receipt/production of the copy of this order, shall be released on bail on execution of 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, Muzaffarpur in connection with Aurai P.S. Case No. 54 of 2013, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Jitendra Mohan Sharma, J.)

Vats/-

U		T	
---	--	---	--