

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49919 of 2014

Arising Out of PS.Case No. -176 Year- 2012 Thana -ATRI District- GAYA

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1. Mohan Kumar Son of Suresh Yadav
2. Guddu Kumar Son of Suresh Yadav BothR/o Village Malahi, P.S. Atri,
District Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Parmanand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-05-2015 The petitioners are apprehending their arrest in connection with Atri P.S.Case No.176/2012 instituted under Sections 436, 427, 429 and 302/34 of the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that on 15.11.2012 at about 10.30 P.M. while the informant was sleeping at the door of one Mungeshwar Yadav along with one Ravi Kumar, he awoke after hearing noise of public and thereafter saw that his house is burning and as such he immediately rushed there and saw that the door of his house is locked from out side. Thereafter the informant further saw that the accused persons, namely, Guddu Kumar, Mohan Kumar and Pappu Yadav @ Umesh Yadav were setting fire in his house from all the four corners and on alarm they fled

away. Thereafter the villagers assembled there and put off the fire of the informant's house. During the incident of fire the informant's sister and mother were sleeping inside the house and some how both crossed the wall of the house and save themselves but the mother of the informant died in the incident. Besides this four buffalos, one kid and one goat also burnt and died.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in this case. From perusal of FIR itself it appears that the informant had reached at the place of occurrence on hulla meaning thereby that the occurrence had already been taken place and he could not be the eye witness of the occurrence. Further my attention has been drawn to Annexure 2 where other co accused, namely, Pappu Yadav @ Umesh Yadav @ Umesh Kumar has been granted anticipatory bail by this Court.

On behalf of the State, it has been submitted that the petitioners are named in the FIR and specific allegation has been made against them.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand)each with two

sureties of the like amount each to the satisfaction of learned
C.J.M.,Gaya, in connection with Atri P.S.CAs No. 176 of 2012,
subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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