

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38497 of 2015

Arising Out of PS.Case No. -128 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

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1. Aashu Lal @ Ashutosh Prasad Lal Son of Late Govind Lal.
 2. Lalu Lal @ Lallu Lal, Son of Aashu Lal @ Ashutosh Lal
 3. Zhiro Choudhary @ Ziro Choudhary @ Dheera Son of Late Manik Choudhary

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 24-09-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 448, 436, 341, 323, 427, 385/34 and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that the accused persons started searching the husband of the informant, entered into the house of the informant when on the order of petitioner no.1 Aashu Lal, the co-accused Tinku Lal sprinkled petrol, after taking out from motorcycle, on the house of the informant whereas petitioner no.2 Lallu Lal lit fire, as a result, the cash of

Rs.50,000/- and other household articles were burnt.

It is submitted by learned counsel for the petitioners that on 10.04.2015, the son of petitioner no.1 namely Abhisekh Lal lodged Kahalgaon P.S. Case No.126 of 2015 against the informant levelling accusation under sections 341, 323, 324, 379, 504 and 34 of the Indian Penal Code whereas the present case has been on 12.04.2015 and in the background of serious land dispute the accusation has been levelled.

So far as petitioner nos. 1 and 2 are concerned, the aforesaid facts constitute ground for consideration of prayer for regular bail. Let the learned Court below consider the prayer for regular bail of the petitioner nos. 1 and 2, if they surrender within a period of six weeks in connection with Kahalgaon P.S. Case No.128 of 2015, pending before the learned Judicial Magistrate, 1st Class, Bhagalpur.

With the above observation, this application, so far as it relates to petitioner nos. 1 and 2 is, accordingly, disposed off.

So far as petitioner no.3 namely Zhiro Choudhary is concerned, since no specific accusation has been levelled against him, let him be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten

thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Kahalgaon P.S. Case No.128 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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