

Arising Out of PS.Case No. -773 Year- 2009 Thana -COMPLAINT CASE District- JAMUI

.... Petitioner/s

The State of Bihar

.... Opposite Party/s

Criminal Miscellaneous No.9989 of 2015

Arising Out of PS.Case No. -773 Year- 2009 Thana -COMPLAINT CASE District- JAMUI

.... Petitioner/s

State of Bihar & Anr

.... Opposite Party/s

(In Cr.Misc. No.48643 of 2014)

For the Petitioner/s : Mr. Satya Prakash Parasar
For the Opposite Party/s : Mr. Ramesh Chandra (A.P.P.)

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor.

Cr. Misc. No.48643 of 2014 wherein Mahendra Das @ Mahesh Das happens to be the petitioner and Cr. Misc. No.9989 of 2015 wherein Dinesh Das happens to be the petitioner commonly originate out of Complaint Case no.773(C) of 2009 wherein cognizance has been taken for an offence punishable under Sections 386 and 436/34 of the I.P.C. and on account

thereof, have been heard together and are being disposed of by a common order.

Apart from putting an allegation with regard to illegal activities of the petitioners including other while making house trespass, it has also been disclosed that on an order of petitioner Mahendra Das, Dinesh Das had lit fire in the house.

It has been submitted on behalf of petitioners that as per genealogical table furnished under Para-8 of the petition, inter se relationship amongst the parties is found exposed. It has also been submitted that there happens to be no partition amongst the family by metes and bounds. It has also been submitted that petitioners also reside in the same house and in the aforesaid background, putting the house on fire is not at all believable. Therefore, it is a fit case whereunder petitioners should be granted an anticipatory bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

From the order impugned, it is apparent that during course of enquiry, apart from Solemn Affirmation, three witnesses were examined and that happens to be the basis whereupon the learned lower Court took cognizance apart from others including Section 436 I.P.C. Consequent thereupon, prima facie case of

mischief caused by fire has been found and that being so, the allegation goes against the petitioner Dinesh Das.

Accordingly, I am not inclined to allow the prayer made on behalf of petitioner Dinesh Das. Consequent thereupon, Cr. Misc. No.9989 of 2015 is rejected.

However, prayer of petitioner Mahendra Das @ Mahesh Das is found appreciable and so, petitioner **Mahendra Das @ Mahesh Das** is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Jamui in connection with Complaint Case no.773C of 2009, in event of his arrest/ surrender within four weeks, subject to condition as enumerated under Section 438(2) of the Cr.P.C.

Vikash/-

(Aditya Kumar Trivedi, J)

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