

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33477 of 2015

Arising Out of PS.Case No. -47 Year- 2015 Thana -SARAIYA District- MUZAFFARPUR

1. Birchandra Sahni @ Virchandra Kumar
2. Amrendra Sahni @ Amresh Kumar Both Sons of Rameshwar Sahni,
Resident of Village- Bahilwara Bhual North, P.S.- Saraiya, District-
Muzaffarpur

..... Petitioner/s
Versus
1. The State of Bihar
..... Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Shantanu Kumar, Adv.
For the Opposite Party/s : Mr. Manoj Kr. 1(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 15-10-2015 Heard both sides.

The petitioners apprehend their arrest in Saraiya P.S. Case No. 47/2015, registered for the offences punishable under Section 436 and other Sections of the Indian Penal Code.

The informant alleged that on 18.01.2015 she suddenly heard alarm. Many persons came and they were shouting to kill. The informant and her family members fled away. The informant named the petitioners along with others and stated that when she returned all the articles were found burnt into ashes.

Learned counsel for the petitioners submits that the petitioners are resident of Bahilwara Bhual but the informant alleged that the petitioners are resident of village Azizpur.

It is submitted that on the same day, the police also lodged a case for rioting. The present case was lodged after 18 days of the

occurrence. The father of the petitioners was panchnama witness to the inquest report of the deceased Bhartendu Kumar who is alleged to have been killed by the minority community and after recovery of the dead body, the mob became aggressive.

It is further submitted that on the same day, the police officer also filed a case for arsoning but did not name the petitioners.

Taking into consideration the facts that the informant seeing the rioters fled away from her house and she very well identified the petitioners along with other accused persons. When she returned after the situation became calm, she saw the belongings in her house were burnt into ashes.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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