

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40551 of 2014

Arising Out of PS. Case No. -89 Year- 2014 Thana -SABOUR District- BHAGALPUR

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1. Shailendra Singh @ Mandal, Son of Ratan Singh
2. Nitu Devi, W/o Shailendra Singh @ Mandal,
Both are resident of village- Kashil, P.S.- Sabour (Goradih), District-
Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sunil Kumar Verma

For the Opposite Party/s : Mr. M.K. Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-03-2015 Heard both sides.

The petitioners, namely, Shailendra Singh @ Mandal
and Nitu Devi, apprehend their arrest in a case under Section 436
and other sections of the Indian Penal Code.

The informant alleged that the petitioners came and
ignited fire at the side of his wall. It is also alleged that Shailendra
Singh, petitioner no. 1, assaulted his wife.

Learned counsel for the petitioners submits that the
F.I.R. is said to have been registered on 10.04.2014 but the same
was sent to the court on 21.04.2014, i.e., much after to the lodging
of this case. The petitioner no. 1 filed Informatory Petition bearing
no. 5575/12 against the informant and his family members. All the
allegations are false and concocted.

Learned A.P.P., however, opposed the prayer for bail.

It appears that the informant has made specific allegation against the petitioner no. 1 that he set ablaze the boundary wall of the informant but no allegation is made against the petitioner no. 2, who is a lady. From perusal of the F.I.R. itself, it appears that instead of '11', some over-writing was done and it was made '21'. It also appears that the certified copy of the F.I.R. was issued on 17.04.2014.

Considering the facts aforesaid and the nature of allegation made against the petitioner no.1, namely, Shailendra Singh @ Mandal, I am not inclined to enlarge the petitioner no. 1, on anticipatory bail in Sabour (Goradih) P.S. Case No. 89/14, corresponding to G.R. No. 1227/14. Hence, the same is rejected.

So far as the petitioner no. 2, namely, Nitu Devi is concerned, there is no allegation against the petitioner no. 2, who is a lady.

Considering the facts aforesaid, the above named petitioner no. 2, in the event of her arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged 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 Sri V.N. Prasad, J.M. 1st Class, Bhagalpur in Sabour (Goradih) P.S. Case No. 89/14, corresponding to G.R. Case No. 1227/14, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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