

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5886 of 2016

Arising Out of PS.Case No. -75 Year- 2013 Thana -BELHAR District- BANKA

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1. Sunandan Gupta @ @ Shiv Nandan Gupta, S/o Viveka Gupta,
2. Tumka Gupta @ Tubka Gupta @ Ashutosh Gupta, son of Mahendra Gupta
Both son of resident of Village- Bishwakarma Dhouiri, Police Station- Belhar, District- Banka..... Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sucheta Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 04-04-2016 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with Belhar P.S. Case No. 75 of 2013 registered for the offences punishable under Sections 436, 429, 307, 504, 506 of the Indian Penal Code, Sections 3(i) (ii) (v) (x) (xi) of SC/ST (Prevention of Atrocities) Act.

Allegedly, the petitioners and other FIR named accused came at the house of the informant, the petitioner no. 1 was having container of five liters with petrol and he sprinkled the same on the roof and the petitioner no. 2 burnt the match stick and threw on the roof, resulting, the house of the informant was burnt and three cows were burnt to death and two cows were saved in

injured condition and further all the articles were burnt. The motive behind the occurrence is stated to be the land dispute.

Submission is of false implication and that during investigation it has come that the place of occurrence was not the residential house of the informant rather it was a hut, from paragraph 5 of the case diary it reveals that residential house of the informant is 300 meters away from the place of occurrence and during investigation no other witness has come forward to say that the petitioners were involved in burning the hut, no offence under Section 436 IPC is made out, due to land dispute the petitioners have been implicated, resulting, they are suffering in custody since 04.12.2015 to which the learned APP opposes.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 75 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the

petitioners shall remain present on each and every date during trial
and the default on two consecutive dates on their part without any
reason shall disentitle the petitioners from privilege of bail.

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(Jitendra Mohan Sharma, J)