

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10373 of 2016

Arising Out of PS.Case No. -139 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

- =====
1. Amir Son of Late Anish
 2. Rakib @ Md. Rakib Son of Amir
 3. Jayul @ Jiyabur Son of Late Mannan
 4. Barique @ Md. Barique Son of Amir
 5. Jayabul Rahman @ Md. Jiyaaur Rahman Son of Jamshed
 6. Mozib @ Mazibur Son of Setan Ali
- All Resident of village - Dansar, P.S. Dagaruwa, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Paruli Khatoon D/o Tataizul Resident of village - Dansar, P.S. Dagaruwa, District - Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Opposite Party/s : Mr. Sanjay Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-03-2016 Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending their arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 323, 504, 436/34 of the Indian Penal Code.

The prosecution case is that on 24.10.2011 at 9.00 A.M. in the morning the accused persons including the petitioners came to the house of the informant and assaulted her and on the order of Md. Najir the accused persons set the



house of the informant on fire, leading to registration of Dagaruwa P.S. Case No. 370 of 2011. On conclusion of investigation the police submitted Final Form, but the petitioners were not sent up for trial. The Final Form was accepted and matter proceeded on protest petition. After conclusion of enquiry under Section 202 Cr.P.C. charge-sheet has been submitted under Sections 323 and 504 of the Indian Penal Code only against co-accused Md. Najir and Rohil. The said order was challenged by the informant in Cr. Revision No. 369 of 2014 and the Revisional Court set aside the order of the learned Chief Judicial Magistrate and remanded the matter for passing fresh order, consequently process has been directed to be issued under Section 504/34 of the Indian Penal Code against the petitioner.

It is submitted by the learned counsel for the petitioners that Co-accused Md. Najir and Rohil have been granted regular bail. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the fact that the accusation has not been found true during investigation and petitioners have not been sent up for trial, coupled with the statement made in para-3 of the petition that petitioners have no criminal antecedent, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on

furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with C.A. Case No. 139 of 2013, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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