

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47839 of 2016

Arising Out of PS.Case No. -219 Year- 2016 Thana -DANAPUR District- PATNA

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1. Anjani Kumar S/o Jagdish Rai R/o Sultanpur, P.S. Danapur, District Patna Bihar.
2. Rahul Kumar S/o Sudama Thakur R/o Mubarakpur P.S. Shahpur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 29-11-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners pray for Anticipatory bail in Danapur P.S. Case No. 219 of 2016, registered under Sections 147, 149, 337, 504, 506 and 436 of the Indian Penal Code.

It is alleged that a prior attempt was made by the petitioners to break open the wall of the house and obstruct in the construction which was promptly reported to the police and an F.I.R., was lodged. On the relevant date, they again arrived at the place of occurrence whereafter co-accused Anil Kumar threw a bottle full of petrol and lit the house on fire. When an effort was made to save the construction/house other accused persons started pelting stones.

Contention of the petitioners is that it was not a thatched house, which was totally burnt as such no case, under Section 436 would be



applicable. The prosecution side was illegally encroaching on the street which was objected by the petitioners before the Cantonment Board. The petitioners deserve anticipatory bail.

Learned counsel for the informant per contra submits that this is the repeat attempt of the accused persons to commit the offence. They are already facing a prosecution lodged by the present prosecution side. In course of investigation the police found incriminating materials to support the prosecution case.

In my considered view, it is not a fit case for grant of anticipatory bail. The prayer is accordingly rejected. The petitioners are directed to surrender before the court below and seek regular bail, which shall be considered and disposed of on its own merit in accordance with law.

siddharth/-

(Kishore Kumar Mandal, J)

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