

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10626 of 2016

Arising Out of PS.Case No. -209 Year- 2014 Thana -GHANSHYAMPUR District- DARBHANGA

- =====
1. Pushpak Kamti @ Pushpak Kumar Kamati son of Bidya Nand Kamti
 2. Bidya Nand Kamti Son of Late Dhaneshwar Kamti
 3. Ashok Kamti Son of Late Dhaneshwar Kamti

All are resident of Village- Bhadoun, P.S.- Ghanshyampur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-03-2016

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 436/34 of the Indian Penal Code and 3(1) (x) of the S.C./S.T.(Prevention of Atrocities) Act.

The prosecution case is that on 19.10.2014 at 2.00 P.M. the nephew of the informant Chandralekh and the niece wake up and saw that petitioner no. 1 Pushpak Kamti @ Pushpak Kumar Kamti roaming around the house of the informant with a girl. When the nephew and niece of the informant informed to their mother Lalita

Devi, then Lalita Devi made protest to petitioner no. 1, when he abused by calling case name. Subsequently, informant found smoke coming out from the house, when it was found that petitioner no. 1 put the house of the informant fire, as a result the cattle shed of the informant caught fire.

It is submitted by the learned counsel for the petitioners that the informant filed an application before the Circle Officer, Gora Bauram claiming compensation since the house got incidental fire and informant received the compensation amount. But subsequently for the occurrence of 19.10.2014, the First Information Report was registered on 18.11.2014, wherein the accusation has been levelled against the petitioner. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Considering the delayed lodging of the case and the compensation claimed by the informant where no accusation has been levelled against the petitioners, 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 Additional Chief Judicial Magistrate, Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No. 209 of 2014, subject to

conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



(Dinesh Kumar Singh, J)