

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37594 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -FULKAHA District- ARRARIA

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1. Birendra Mahto
2. Bhatel Mahto Both sons of Late Juggi Mahto resident of Manikpur,
Ward No. 15, P.S. Fulkaha, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. R.P.S.Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 09-02-2016 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out
of Fulkaha P.S. Case No. 11 of 2015, disclosing offences under
Sections 147,341,323,325,354A,448,504,506,436 of the Indian
Penal Code.

Allegedly, the First Information Report named accused
persons, 15 in number entered into the house of the informant and
started assaulting the informant and her mother-in-law. As against
petitioner Nos. 1 and 2, it is alleged that they set the house of the
informant on fire.

The petitioner no.1, Birendra Mahto having been

arrested, his application for grant of anticipatory bail came to be disposed of as infructuous by an order dated 24.09.2015 passed in this case. It appears from the case diary that petitioner no.1 has been granted regular bail by the Court below.

Learned counsel appearing on behalf of the petitioner submits that there is vague allegation of setting the house on fire. Other allegations are also general and omnibus. He also submits that the police did not find any sign of arson in course of investigation as is evident from the case diary.

Such submissions could not be countered by the learned Additional Public Prosecutor appearing on behalf of the State.

In view of the facts and circumstances of the case and the submissions advanced on behalf of the parties and considering the fact that petitioner No.1 has been granted regular bail by the Court below, this application to the extent it relates to petitioner No.2 Bhatel Mahto is allowed. Let the petitioner No.2 above-named in the event of his arrest/surrender within four weeks from today in the Court below, be released 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 Chief Judicial Magistrate, Araria in Fulkaha P.S. Case No. 11 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of

Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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