

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45577 of 2015

Arising Out of PS.Case No. -210 Year- 2015 Thana -GARDANIBAGH District- PATNA

- =====
1. Jitu Kumar S/o Lalan Prasad
 2. Chhotu Kumar S/o Lalan Prasad
 3. Prakash Kumar S/o Arjun Prasad
 4. Arjun Prasad S/o Late Dwarika Prasad All R/o Mohalla - Chakbinda Gali, P.S. Gardanibagh, Distt. - Patna

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.54719 of 2015

Arising Out of PS.Case No. -210 Year- 2015 Thana -GARDANIBAGH District- PATNA

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Mr. Lalan Prasad, Son of not known to the petitioner, S.P. (Rural) Patna, North Gandhi Maidan, Patna. S/o Late Dwarika Prasad R/o Mohalla- Chakbnda Gali, P.S. Gardanibagh Dist Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.45577 of 2015)

For the Petitioners : Mr. Ajay Kumar Sharma

For the Opposite Party : Mr. Ajay Kr.Jha(App)

(In Cr.Misc. No.54719 of 2015)

For the Petitioner : Mr. Ajay Kumar Sharma

For the Opposite Party : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2016 Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners are apprehending their arrest in
connection with Gardani Bagh P.S. Case No. 210 of 2015

pending in the Court of Judicial Magistrate, Ist Class, Patna for the offences instituted under Sections 436, 454 and 323/34 of the Indian Penal Code.

As per the prosecution, the allegation against the petitioners is that they had gone to the hut of the informant with some illicit purpose with the daughter of the informant. Aforesaid act was allegedly committed by the petitioners in the past also. This time when the petitioners failed in their criminal object, they committed mischief by fire burning the hut of the informant and damaged the house hold articles.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. As per the prosecution case, petitioners have been made accused due to mistake of fact. Petitioners have relied upon para nos.6,7 and 8 of the case diary where the petitioners have not been named by the said witnesses.

On behalf of the State, it has been submitted that the petitioners are named in the FIR and there is a direct allegation against them for misbehaving with the informant and thereafter setting her on fire.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioners on anticipatory bail, the same is rejected.

Anyhow, if the petitioners surrender in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order and if possible the same may be disposed of preferably on the same day.

(Sudhir Singh, J)

B.Kr./-

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