

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37494 of 2016

Arising Out of PS.Case No. -95 Year- 2016 Thana -BUXAR MUFFSIL District- BUXAR

- =====
1. Manoj Kuswaha son of Lal Bihari Kuswaha
 2. Sanjeet Kuswaha son of Ram Chandra Kuswaha
 3. Rakesh Kuswaha son of Abhimanyu Kuswaha All residents of Village Hukha, P.S. Buxar (M), District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016

Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners apprehend their arrest in connection
with Buxar (M) P.S. Case No. 95 of 2016 registered for the
offence punishable under Sections 295/34 of the Indian Penal
Code.

The prosecution case is that on 22.04.2016 at
about 12:15 in the night, he saw that the hut, in which statue of
Sant Ravidas and photograph of Dr. Ambedkar were kept, was
set on fire and when informant raised alarm, he saw the accused
persons fleeing away.

It has been submitted by the learned counsel for



the petitioners that they have been made accused only on the basis of suspicion and both parties were inimical to each other. He submits that there is no eye-witness to the alleged occurrence and the informant has only seen the petitioners running away and, as such, the said offence cannot be attributable to them. He submits that the occurrence took place at 12:15 in the night and there was no source of light for identification and, as such, identification of the petitioners is very much doubtful. He further submits that the petitioners have no criminal history, as is evident from paragraph 3 of this application.

However, learned A.P.P. for the State submits that petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since petitioners have been implicated on the basis of the suspicion and that they have no criminal history, let the petitioners, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-

V, Buxar in connection with Buxar (M) P.S. Case No. 95 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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