

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9109 of 2016

Arising Out of PS.Case No. -256 Year- 2015 Thana -DHURAIYA District- BANKA

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1. Nandlal Mandal son of late Shambhu Mandal
 2. Shiv Mandal son of late Nakul Mandal
- Both residents of village - Kushmaha, P.S. Dhoraiya, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, 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 29-02-2016 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 341, 323, 436, 504, 506 of the Indian Penal Code and 3(1)(x) of the S.C./S.T.(Prevention of Atrocities) Act.

The prosecution case is of abusing the informant by calling caste name. It is also alleged that on 21.11.2015 the accused persons put the house of the informant on fire.

It is submitted by the learned counsel for the petitioners that accusation of abusing and lighting fire is omnibus and general. Admittedly, on 12.12.2015 the accused persons took place in the house of the informant which cannot

be treated to be place of public view. For the occurrence of 21.11.2015 no First Information Report was lodged. The present First Information Report was lodged on 12.12.2015. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the fact that for the last occurrence of 12.12.2015 it is alleged that petitioners only abused informant by calling caste name, whereas there is nothing on record to suggest the reason for not lodging a case for putting the house of the informant on fire on 21.11.2015 and coupled with the statement made in para-3 of the petition that petitioners have no criminal antecedent, 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 Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 256 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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