

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28668 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -SARE District- NALANDA (BIHARSHARIFF)

=====

Lakshman Dhari Son of Sheetal Dhari @ Sita Ram Resident of Village-
Gilani Bigha, P.S. Sare District Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Rana Baljit Singh

For the Opposite Party : Mr. Ashok Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 13-12-2016 Heard learned counsel for the petitioner as well as the

learned APP for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 436 and 34 of the I.P.C.

Allegedly, the petitioner set fire on the house of the informant on 28.04.2016 in the night at about 9-45 P.M. and at that time the informant and his family members were on the roof-top of another house. It is alleged that all the house hold articles were burnt to ashes. The motive behind the occurrence is to put pressure for casting vote.

Submission is of false implication and that the informant is not an eye witness, he has not seen the occurrence,



the house which is alleged to be burnt was a hut, other two co-accused have been granted anticipatory bail and as such the petitioner also deserves sympathetic consideration.

Sri Ashok Kumar, the learned A.P.P. opposes prayer for bail by submitting that the specific allegation is against the petitioner. The case of the petitioner is on different footing as that of two other co-accused.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Sare P.S. Case No. 41 of 2016 pending in the court of A.C.J.M-II, Nalanda at Biharsharif.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this court.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--

