

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33275 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Mahadeo Jha @ Arbind Jha Son of Sri Shiv Shankar Jha Resident of village- Kahra, Police Station and District- Saharsa
 2. Kailash Yadav Son of Damri Yadav Resident of village- Narayanpur, P.S.- Navhatta, District- Saharsa
 3. Sanjeet Yadav Son of Sri Suresh Yadav Resident of village- Gandhiya, P.S.- Navhatta, District- Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha-3

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 20-08-2016

Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Saharsa Sadar P.S. Case No. 102 of 2016 registered under Sections 427, 436 and 379 of the Indian Penal Code.

The allegation of informant is that on 07.02.2014 at about 3:00 am., he was awoken by one person saying that someone has set on fire the house of Md. Taslim (Chawkidar) and a vehicle. Thereafter, he came out from his house and saw his Car bearing no. BR-1M-2238 and another Car adjacent to his car was burning. The informant with the help of villagers extinguished the fire but both the vehicles burnt to ash. The informant further stated that

there was dispute in between Kanhaiya Transport and his tenant, Sharma Transport before this occurrence, due to that reason, the occurrence took place.

Learned counsel appearing on behalf of the petitioners submits that it would appear from the F.I.R. that the owner of the Sharma Transport is tenant of the informant. The petitioner no.1 is the owner of Kanhaiya Transport and due to that reason, the petitioners have falsely been implicated in this case mere on suspicion. In course of investigation, no one has said about seeing the occurrence. Moreover, the informant has compromised the case and filed an application to that effect before the Court of Sessions Judge, Saharsa at the time of disposal of A.B.P. No. 364 of 2016.

Having considered the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M. Saharsa in connection with Saharsa Sadar P.S. Case No. 102 of 2016 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

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(Rajendra Kumar Mishra, J)