

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39885 of 2016

Arising Out of PS.Case No. -23 Year- 2014 Thana -JAMALPUR District- DARBHANGA

- =====
1. Jagdish Sahni son of Late Mahadeo Sahni
 2. Sushil Sahni son of Jagdish Sahni Both are resident of Village- Jagsho, Police Station- Jamalpur and District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 15-11-2016 Heard Mr. Girish Chandra Jha learned counsel for the petitioner as well as learned A.P.P.

The petitioners apprehend their arrest in Jamalpur P.S. Case No. 23/2014, registered for the offences punishable under Sections 147, 448, 341, 323, 436, 379 and 429 of the Indian Penal Code.

Petitioners and others are alleged to have assaulted the informant and family members. It is further alleged that petitioners set ablaze house of the informant Kaili Devi and took away different articles.

Learned counsel for the petitioners submits that Pramila Devi wife of petitioner no. 1 filed Jamalpur P.S. Case no. 22/2014

under Section 307 and other sections of the Indian Penal Code against Ram Prasad Sahni and others husband of the present informant who brutally assaulted the family members of the informant, thereafter the present case is filed. It is submitted that thatched house meant for keeping cattles is said to have burnt in part. No offence under Section 436 of the Indian Penal Code is made out.

It appears that there is specific allegation against the petitioners they burnt the house of the informant and Shivjee Sahni.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below learned court below shall consider the regular bail of the petitioners taking into consideration that only small portion of house was burnt and there is counter version and dispose of the bail petition of the petitioners preferably on the same day.

(Prabhat Kumar Jha, J.)

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