

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57873 of 2015

Arising Out of PS.Case No. -578 Year- 2015 Thana -ARARIA District- ARRARIA
=====

1. Binay Jha @ Binay Kumar Jha Son of late Pandit Prem Sundar Jha
Resident of Village-Madanpur, Police station Madanpur, District Araria.
..... Petitioner

Versus

1. The State of Bihar Opposite Party
=====

Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay
For the Opposite Party/s : Mr. Nand Kumar (App)
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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 30-01-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Araria P.S. Case
No. 578 of 2015 registered for the offences punishable under Sections
435 and 436 of the Indian Penal Code.

Allegedly, the informant saw that his shop was set on fire
then he saw the petitioner fleeing away on his motorcycle with one
man. Thereafter, Fire Brigade came but till then his shop was burnt. It is
claimed that earlier the petitioner has committed theft of rupees one
thousand from the shop and his photo was captured in Laptop and to
destroy that the petitioner has committed the crime.

Submission is of false implication and that from the FIR
itself it is apparent that the informant has not seen the petitioner setting
the shop on fire, it was dead night, local villagers informed the Fire
Brigade, due to earlier dispute the petitioner has been implicated, the
FIR has been lodged after much delay, no offence under Section 436

IPC is made out as the same was not dwelling house, the petitioner has been mercilessly beaten by the informant and his men and was produced before the Police resulting he is suffering in custody since 23.11.2015.

Learned APP fairly submits that the shop of the informant was bunt and not the house.

In the facts and circumstances stated above, considering the period of detention of the petitioner, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 578 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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