

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46635 of 2015

Arising Out of PS.Case No. -154 Year- 2015 Thana -KESARIA District- EAST
CHAMPARAN(MOTIHARI)

- =====
1. Mubarak Mian, Son of Md. Alam.
 2. Noor Alam, Son of Late Amir Mian.
 3. Amna Khatoon, Wife of Md. Saheed.
 4. Mobiran Khatoon, Wife of Noor Alam. All residents of village - Sundrapur Mauza, P.S. Keshariya, District - East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Nachiketa Jha, Advocate.
For the Opposite Party : Mr. Smt.Veena Kumari Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 01-02-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Keshariya P.S. Case No. 154 of 2015 for the offences instituted under Section 436/34 of the IPC.

The prosecution story, in brief, is that on 14.06.2015 at 11.30 P.M., the informant was sleeping at his house, on the hearing of fire, he woke up and saw that his cottage is burning then he went outside the house and saw all the petitioners holding *Lukari* were standing there, when they saw him, they fled away. He raised alarm, neighbours arrived and they tried to put off the

fire but were not succeeded. The articles therein were burnt. Many persons saw fleeing the accused persons.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that the petitioners have falsely been implicated in the present case due to mistake of fact. Though the alleged occurrence is said to have taken place on 14.06.2015 but the FIR was instituted on 15.06.2015. The delay has not been explained by the prosecution. The parties have compromised which is evident from perusal of Annexure-2 series. The petitioner nos. 3 and 4 are the ladies.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R. and have actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner nos. 1 and 2, namely, Mubarak Mian and Noor Alam. The same is rejected. Anyhow, if they surrender in the learned court below within a period of six weeks from the date of receipt/production of copy of this order, the same shall be considered on its own merit without being prejudiced by this order.

The petitioner nos. 3 and 4, namely, Amna Khatoon and Mobiran Khatoon are concerned being ladies, they are directed to

be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Keshariya P.S. Case No. 154/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Sadar, East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)