

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51226 of 2017

Arising Out of PS. Case No.-11 Year-2017 Thana- SHANKARPUR District- Madhepura

1. Sima Devi, Wife of Kamleshwari Yadav,
2. Kamleshwari Yadav, S/o- Late Vijal Yadav,
3. Chanda Devi, W/o- Rajesh Yadav.
4. Ruby Devi, W/o- Mukesh Yadav.
5. Rakesh Yadav, S/o- Sri Kamleshwari Yadav,
6. Mukesh Yadav, S/o- Sri Kamleshwari Yadav, All Resident of Village- Maura, Jharkaha, P.S. Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Adv.
For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 436 of the IPC.

The prosecution case, as per the written report of Kusho Yadav, is to the effect that on 22.01.2017, at 11 PM, the informant found that his house has been put on fire when the informant came out then he saw Rakesh Yadav, Rajesh Yadav, Mukesh Yadav, Kamleshwari Yadav, Sima Devi, Chanda Devi and Rubi Devi, armed with lathi and danda, fleeing away from the place of occurrence. The informant raised alarm, but by the time, the fire was extinguished by the informant side, the article in the house including the grains got burnt.



It is submitted by learned counsel for the petitioners that petitioners' side are either brother, brothers wife or the nephew of the informant. In the background of land dispute, the accusation has been levelled. The informant did not see any body putting his house on fire, but only on suspicion accusation has been levelled, since the petitioners and others were seen fleeing away from the place of occurrence, hence, even assuming the accusation, no offence under Section 436 IPC is made out against the petitioner. The petitioners' side also lodged Shankarpur P.S. Case No. 49 of 2010, with accusation under Sections 323, 325, 341 and 504/34 of the IPC, hence, as a retaliatory measure, the petitioners have been roped in the present case. A statement has been made in paragraph no. 3 of the petition, that the petitioners have no criminal antecedent.

Considering the fact that the petitioners are agnates of the informant, the informant has not seen the petitioners putting his house on fire and similarly situated co-accused Rajesh Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 35138 of 2017, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.



10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Judge-I, Madhepra in connection with Shankarpur P.S. Case No. 11 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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