

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2824 of 2017

Arising Out of PS.Case No. -31 Year- 2016 Thana -COMPLAINT CASE District- ARRARIA

=====

1. Kailu Sada, son of Late Lakhi Chand Sada
2. Sadanand Sada, son of Kailu Sada
3. Ramdeo Sada, son of late Bihari Sada
4. Bijli Sada, son of Late Bisheswar Sada

All are resident of village- Khawaspur, P.S. Simraha, District Ararai
.... Petitioners

Versus

1. State of Bihar
2. Anandi Risideo, son of Late Saryug Risideo, resident of village
Khabaspur, P.S. Forbesganj (Simraha) District Araria.

.... Opposite Parties

=====

Appearance :

For the Petitioners : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Parties : Mr. Bharat Bhushan (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-04-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection
with Complaint Case No. 31C of 2016, registered for the offence
punishable under Section 436 of the Indian Penal Code.

Allegedly, the petitioners and other co-accused along
with five unknown burnt residential house of the complainant and
when the wife of the complainant and Sugia Devi raised alarm and
called the neighbourers the accused persons assaulted them and
pushed in the fire, resulting, they were also partially burnt, due to
fire, articles valued at Rs. 50,000/- was burnt, information was
given at police station but nobody turned up for inquiry then the
complainant case was filed. Lalita Devi and Sugia Devi were also



treated at Sadar Hospital at Araria.

Submission is of false implication and that the allegation in complaint petition is totally false, no such occurrence has taken place, there is no objective finding on the record, medical prescription has also not been attached with the complaint petition. The allegations are omnibus and general in nature and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the petitioners and other co-accused have committed heinous crime.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Complaint Case No. 31C of 2016, pending in the Court of learned A.C.J.M., Araria.

However, in case and if so advised the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

Rajiv/-

U		T	
---	--	---	--

