

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45017 of 2017

Arising Out of PS. Case No.-92 Year-2017 Thana- VAISHALI District- Vaishali

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1. Raju Rai son of Basawan Rai
 2. Raushan Rai @ Raushan Kumar son of Yogendra Rai
 3. Kedar Rai son of Yogendra Rai
- All are Residents of village - Keshopur, P.S. - Vaishali, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 18-10-2017 Heard learned Counsel appearing on behalf of the
petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 436, 435, 427, 504, 447/34 of the Indian Penal Code.

The prosecution case as per the written report of Rani Devi is to the effect that on 17.04.2017, in the morning she had some dispute with her sister-in-law (dewarani) for which she made a complaint in the police station. On 17.04.2017, at 11.30 P.M. in the night, all the petitioners came and abused the informant for making complaint in the police station and thereafter petitioner no.2, Raushan Roy and petitioner no.3,



Kedar Roy, sprinkled kerosene oil and set the house of the informant on fire.

It is submitted by learned Counsel appearing on behalf of the petitioners that the petitioners are agnates of the informant and in the background of land dispute the accusation has been levelled. Since they tried to pacify the dispute between the informant and her husband Ganaur Roy, they have been implicated in the present case. The husband of the informant lodged Vaishali P.S. Case No. 94 of 2017 on 21.04.2017 for the same occurrence dated 17.04.2017 levelling accusation under sections 323, 504, 436/34 of the I.P.C. alleging therein that he was forcibly being taken to the Registry Office by Vijay Roy, Uday Roy, Mithlesh Roy and Ramnandan Roy, who used to threaten him for transfer of the land, while the accused persons of that case connived with the informant's wife and son Tuntun. On 17.04.2017, at 11.00 PM all the accused persons ordered him to set his own house on fire, when Ganaur Roy declined to obey the order of the accused persons, then on the order of his wife, Rani Devi, his son Tuntun Roy set his house on fire. During investigation, the Sr. Police Officer has recorded this fact that both husband and wife lodged the case against each other that they set the house in question on fire. A statement has



been made in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

Learned APP after going through the case diary submits that the supervising officer has found that both the informant and her husband have made accusation against each other of setting their respective share of house on fire.

Considering the fact that accusation in the FIR gets contradicted with the accusation levelled by the husband of the informant in the counter version and statement made in paragraph no.3 that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 Chief Judicial Magistrate-Vaishali, in connection with Vaishali P.S. Case No.92 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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