

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32708 of 2017

Arising Out of PS.Case No. -104 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Lalbabu Yadav,
2. Shambhu Yadav,
3. Harendra Yadav All Sons of Late Bishwanath Yadav,
4. Shivnath Yadav, Son of Late Rameshwar Yadav,
5. Gopal Yadav Son of Late Babu Lal Yadav,
6. Anil Yadav, Son of Late Raghunath Yadav, All Resident of Village -
Jagdishpur Diuliya, P.S.- Jagdishpur, District- West Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. Raj Narayan Yadav, Son of Late Bhkhar Yadav, Resident of Village -
Jagdishpur Deolia, P.S.- Jagdishpur, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

3 10-08-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Tr.No. 2978/2017 arising out of Nautan (Jagdishpur) P.S.Case No.
119/2013 registered under Sections 436, 427/34 of the Indian
Penal Code.

The accusation is that on hearing the sound of footsteps
the complainant- O.P.No.2 Raj Narayan Yadav came out from his
house and saw that petitioners no. 1 and 2, Lalbabu Yadav and
Shambhu Yadav, were sprinkling kerosene oil and petitioner no.4



Shivnath Yadav, petitioner no.5 Gopal Yadav and petitioner no.6 Anil Yadav set the house on fire and petitioner no.3 Harendra Yadav was standing with Farsa in his hand. On raising alarm brother of the complainant came and saw them running away after setting fire the house of the informant with the intention to kill the family of the complainant. The house of the informant and his brother were burnt alongwith the house hold articles worth Rs.3 lacs and the ornaments.

Learned counsel for the petitioners submits that in fact on the basis of the written report of the complainant O.P.No.2 Nautan (Jagdishpur) P.S.Case No. 119/2013 was instituted for the offence under sections 436, 427/34 of the Indian Penal Code against the petitioners and after investigation the police submitted final form on 11.7.2013. Thereafter on protest filed by the informant the same was treated as Complaint Case No. 104(C)/2014 in which the petitioners have been summoned for the offence under sections 436 and 427/34 of the Indian Penal Code. In fact due to enmity the petitioners have falsely been implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each



with two sureties of the like amount each to the satisfaction of Sri Manas Kumar, Judicial Magistrate, 1st class, Bettiah, West Champaran in connection with Tr.No. 2978/2017 arising out of Nautan (Jagdishpur) P.S.Case No. 119/2013, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

Surendra/-

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