

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7159 of 2017

Arising Out of PS.Case No. -3175 Year- 2015 Thana -SIWAN COMPLAINT CASE District-
SIWAN

- =====
1. Lal Kishun Sharma, Son of Jitan Sharma,
 2. Yogendra Sharma, Son of Ramayan Sharma,
 3. Devi Sharma @ Devi Lal Sharma, Son of Jitan Sharma,
 4. Chandradeo Sharma, Son of Bharbhitan Sharma,
 5. Birda Sharma @ Birda Shaarma, Son of Swarath Sharma,
 6. Gauri Sharma @ Gauri Shankar Sharma, Son of Swarath Sharma, All
Residents of village - Khedhwa, Police Station Basantpur, District -
Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Tetari Devi, W/o Vriksha Thakur, Resident of village - Khedhwa,
Police Station Basantpur, District - Siwan

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Smt. Madhuri Lata

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 17-04-2017 Counter affidavit has been filed on behalf of the
opposite party no.2. Let it be kept on the records.

Heard the learned counsel for the petitioners, the
learned A.P.P. for the State as also the learned counsel for the
opposite party no.2.

In this application for anticipatory bail the petitioners
apprehend their arrest in connection with Complaint Case No.
3175 of 2015 for the offences punishable under sections 147, 504
and 436 of the I.P.C and section 34 of the Dayan Act.



As per the complaint petition, the complainant is an old lady and his son is constable in the B.S.F. The husband of the complainant is also an old man. The accused persons burnt the house of the complainant and they abused the complainant after uttering her Dyne. Earlier also Basantpur P.S. Case No. 221 of 2015 was registered and for that again the accused persons committed crime.

Submission is of false implication and that in the earlier case the petitioners have been allowed bail and thereafter again the complainant filed this false case only with a view to entangle them in a serious case, the entire allegations are false and concocted, nothing has been burnt on the spot that can be verified at any time, cunningly the complainant has filed the complaint case so that no verification can be done, the complaint was filed after nine days on 08.12.2015, whereas, the occurrence is of 30.11.2015 and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the opposite party no.2 opposes prayer for pre-arrest bail of the petitioners by submitting that the petitioners have committed serious offence by burning the house and they were trying to kill the complainant by burning.



In the facts and circumstances as stated above, considering that it is a complaint case, previous enmity is there and the complaint case has been filed after delay of nine days and as such the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. C.J.M. Siwan in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

Abhay/-

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

