

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19976 of 2018

Arising Out of PS. Case No.-17 Year-2017 Thana- DHANKUND District- Banka

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1. Md. Kalim Mansuri, S/o late Md. Kadir mansuri,
 2. Md. Naushad S/o Md. Kalim Mansuri @ Md. Kalim,
 3. Bibi Bashiran W/o Md. Kalim Mansuri @ Md. Kalim, All R/o Village- Alam Nagar, Dirwadih, P.S.- Dhankund, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar
For the Opposite Party/s : Mr. Smt. Pronati Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-04-2018 Heard learned counsels for the parties.

The petitioners is apprehending arrest in a case registered for the offences punishable under sections 323,436 and 504/34 of the IPC.

The prosecution case got initiated on the filing of the Complaint Case No. 295 of 2017 by Md. Kayum which ultimately got registered as police case on the complaint being transferred by the learned Magistrate under section 156(3) of the Cr.P.C. It is alleged in the complaint that the accused persons came to the house of the complainant on 24.2.2017 at 2 P.M. and started abusing. When protest was made then petitioner no. 1 Md. Kalim Mansuri sprinkled kerosene oil on his house and thereafter petitioner no. 3 Bibi Bashiran directed her son Md.



Naushad (petitioner no. 2) to lit the fire and consequently, petitioner no. 2 lit the fire, as a result of which house hold articles got burnt.

It is submitted by learned counsel for the petitioners that the present case has been lodged in retaliation to the case lodged by petitioner no. 3 Bibi Bashiran vide Dhankund P.S. Case No. 3 of 2017 with accusation under sections 341,323,324,308,504 and 506/34 of the IPC against the present informant Md. Kayum and others on 9.1.2017 and thereafter the present case has been lodged. It is further submitted that for destruction of the house hold articles due to accidental fire wife of the complainant has claimed compensation from the Government and has received compensation through cheque of Rs.706931/- and an application to that effect has been submitted before the authorities which has been brought on record as Annexure 3. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. Moreover, for the occurrence of 24.2.2017 the complaint was filed on 7.3.2017, which came to be registered as police case on 9.5.2017.

Learned APP submits that there is specific accusation against the petitioners.

Considering the delayed lodging of the complaint and



claiming compensation for damage due to accidental fire amounts to negating the accusation levelled in the FIR, coupled with the statement in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 ACJM – IV, Banka in connection with Dhankund P.S. Case No.17 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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