

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48408 of 2018

Arising Out of PS.Case No. -165 Year- 2017 Thana -NIMCHAKBATHANI District- GAYA

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1. Dharambir Prasad Gupta S/o late Krishna Prasad Gupta
2. Jai Prakash Gupta@ Goreka S/o Dharambir Prasad Gupta
3. Amarjeet Gupta@ Amarjeet Kumar Gupta S/o Jai Kumar Gupta All
Resident of Village- Karu Bigha. P.S. Nimchak Bathani, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-08-2018 The petitioners are apprehending their arrest in connection with Nimchak Bathani P.S. Case No. 165 of 2017, registered for offences punishable under Sections 436, 429/34 of the Indian Penal Code.

Allegation as per F.I.R against the petitioners is of setting the hut of the informant on fire causing damage to the certain articles.

It has been submitted on behalf of the petitioners that he has been made accused in this case only on the basis of suspicion and there is no eye-witness to suggest that it is the petitioners, who set the hut on fire and the possession of alleged land has been given to the petitioners through court and two chaukidars were



also deputed at his house, whose statements are also on record, which is annexure -3 of the petition and their statements show that the petitioners were inside their house on that day.

Learned counsel for the State opposed the prayer for bail and submitted that petitioners were seen wandering near the place of occurrence.

Having heard both sides, in view of the above facts, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate –X, Gaya, in connection with Nimchak Bathani P.S. Case No. 165 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, as well as subject to the following conditions, it is further subject to the condition that:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the



investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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