

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70683 of 2018

Arising Out of PS. Case No.-49 Year-2004 Thana- VIDYAPATINAGAR District- Samastipur

1. Ramesh Kumar Rai, S/o- Late Ram Ahalad Rai.
2. Sheela Devi, W/o- Bhubneshwar Rai. Both Resident of Kancha, P.S.- Vidyapati Nagar (Ghatho), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

For the Opposite Party/s : Mr. Sri Binod Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 436 of the IPC.

The prosecution case, as per the written report of Dharmendra Kumar Ray, dated 28.07.2004, submitted to the Station House Officer, Vidyapati Nagar Police Station, is to the effect that in the background of land dispute, on 27.07.2004, at 12 PM, all the accused persons set the house of the informant on fire.

It is submitted by learned counsel for the petitioners that on conclusion of investigation, the petitioner has not been sent up for trial, but differing with the final form, cognizance has been taken against the petitioners. A statement has been made in



paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that differing with the final form, cognizance has been taken against the petitioners also.

Considering the fact that on conclusion of investigation, the petitioners has not been sent up for trial, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Dalasing Sarai, Samastipur in connection with Vidyapati Nagar P.S. Case No. 49 of 2004, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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