

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64674 of 2018

Arising Out of PS. Case No.-231 Year-2018 Thana- BASANTPUR District- Siwan

1. Lal Babu Singh, Son of Late Okil Singh, resident of Basantpur, P.S.Basantpur, District- Siwan.
2. Bhakti Devi @ Gyanti Devi, Wife of Anil Singh, Resident of Basantpur, P.S.- Basantpur, District- Siwan.
3. Pushpa Devi, Wife of Tuntun Singh, Resident of Baniyapur, P.S.- Baniyarpur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 21-12-2018

Heard learned counsel for the petitioners; learned A.P.P. for the State and learned counsel for the informant, who has *suo motu* appeared.

2. The petitioners apprehend arrest in connection with Basantpur P.S. Case No. 231 of 2018 dated 15.07.2018 instituted under Sections 147/341/323/379/435/436 of the Indian Penal Code.

3. The allegation against the petitioners and five others is of entering into the house of the informant and after looting articles and ornaments also setting fire to their house.

4. Learned counsel for the petitioners submitted



that there is land dispute as the land of the petitioner was repeatedly being tried to be encroached upon by the informant party and further that the story itself is highly improbable as on the one side when the informant themselves claim settlement on the basis of grant of Government land to them, it cannot be believed that they were so well off that there would be 35,000/- cash and ornaments worth Rs.1,40,000/-. It was further submitted that the witnesses have stated during investigation, which has also been noted in the order of the Sessions Judge, Siwan dated 04.09.2018 in Anticipatory Bail Petition No. 1418 of 2018 while rejecting the prayer for anticipatory bail of the petitioners, that the so called house was a thatched house and also that the said caught fire due to sparking from the electric pole which was disconnected after telephonic message and the fire was extinguished with the help of labourers.

5. Learned A.P.P. and learned counsel for the informant submitted that the witnesses have also supported the allegations made in the F.I.R. and further the Electric Department has not certified that there was any malfunctioning of the electric power which led to there being any spark causing fire. It was further submitted that the court below has also observed that the petitioners may surrender and seek regular



bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in Basantpur P.S. Case No. 231 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

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