

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3925 of 2018

Arising Out of PS. Case No.-288 Year-2017 Thana- DARIYAPUR District- Saran

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1. Rajesh Sahani S/o Sharma Sahani.
2. Sharma Sahani S/o Late Ram Deo Sahani, Both resident of Village- Darihara Chaturbhuj, P.S.- Dariyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 18.12.2017 in connection with Dariyapur P.S. Case No. 288 of 2017 registered for the offence punishable under Sections 147, 148, 341, 323, 324, 379, 504, 506 and 436 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that the petitioners along with eight other persons came to his house armed with sword, dab, rifle, farsa and pistol and looted the house. Specific allegation upon the petitioners is of setting



the house on fire.

It has been submitted by the learned counsel for the petitioners that they are innocent and for the same offence, Dariyapur P.S. Case No. 287 of 2017 has been lodged under the Arms Act in which they are on bail. It is further submitted that there was a dispute over giving rasta between the parties for which mother of petitioner no.2 has also lodged Complaint Case No. 3470 of 2017 before the Court of learned Chief Judicial Magistrate, Saran at Chapra, which is under investigation. He submits that investigation is going on and the petitioners are ready to cooperate in the investigation.

However, learned for the information opposes the prayer for bail stating therein that petitioners were seen by a number of villagers and have also raised the house to the ground and other accused have stolen the house hold articles and ornaments. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, named above, be enlarged on bail on completion of six months in custody on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction



of the learned Additional Chief Judicial Magistrate-4th, Saran at Chapra in connection with Dariyapur P.S. Case No. 288 of 2017, subject to the conditions that:

(1) Both the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioners.

(2) It is also made clear that if, in future, petitioners indulge in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J.)

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