

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60158 of 2018

Arising Out of PS. Case No.-116 Year-2013 Thana- DAUDNAGAR District- Aurangabad

1. Munna Paswan, S/o Chandra Deep Paswan,
2. Yamuna Paswan, S/o Chandra Deep Paswan,
3. Sanjay Paswan, S/o Late Krishna Paswan,
4. Shantu Paswan, S/o Sanjay Paswan,
5. Harendra Paswan, S/o Jhana Paswan, All are R/o Vill.- Nawada,
P.S.- Daud Nagar, District- Aurangabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Yugal Kishore, Advocate.
For the State	:	Mr. S. Ehteshamuddin, A.P.P.
For the O.P. No. 2	:	M/S. L.K. Sharma, Rajesh Kumar and Rakesh Kumar Sharma, Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-12-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 436 and 302/34 of the
IPC.

The prosecution story, in brief, is that on 06.04.2013
at 5.00 P.M. when the informant reached his house from
Daudnagar he saw that his house was burning. Then he
extinguished the fire from water and entered into his house and
saw all house hold articles were burnt. He also found that his
son, aged about nine years, was burnt in the fire. It is further



alleged that on 06.04.2013 when the informant was coming Daudnagar on that date, co-accused Arvind Paswan told the informant that if he would not pay Rs. 2,00,000/-, he (Arvind Paswan) will take decision. It is further alleged that co-accused Kameshwar Paswan, Lakhandev Paswan, Jhana Paswan and these petitioners Harendra Paswan, Munna Paswan, Yamuna Paswan, Sanjay Paswan and Santu Paswan set on fire his house and due to which, his son and Rs. 2,00,000/- have been burnt in the fire.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. The petitioners falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The witnesses in paragraph nos. 16, 17 and 18 of the case diary have stated that the deceased died due to accidental fire. The witnesses in paragraph nos. 18 and 111 of the case diary have stated that there is admitted land dispute between the parties. From perusal of paragraph no. 15 of the case diary, it is evident that the informant is not an eye witness to the alleged occurrence.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioners are named



in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Aurangabad, in connection with Daudnagar P.S. Case No. 116 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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