

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.4690 of 2019**

Arising Out of PS. Case No.-25 Year-2018 Thana- BHITAHA District- West Champaran

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1. Jalil Mian, Son of Rahman Mian
2. Ismuhammad Miya, Son of Rahman Miya
3. NurAlam Miya, Son of Jalil Mian
4. Alauddin Mian @ Alaudin Ansari, son of Ismuhamadin Miya

All resident of Village – Baluhi, P.S. Bhitaha, Dist. West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anand Kishore Choudhary, Adv.

For the Opposite Party/s : Mr. Mithilesh Kumar Khare(App108)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      29-01-2019                      Heard leaned counsel for the petitioners and learned  
APP for the State.

The petitioner nos. 1 and 4 are languishing in custody since 20.11.2018, petitioner no. 2 is languishing in custody since 22.11.2018 and petitioner no.3 is languishing in custody since 27.11.2018, in a case registered for the offences punishable under Sections 436, 504, 506 and 34 of the Indian Penal Code.

The prosecution case is that on 20.10.2018 at about 03.50 P.M. all the accused persons came at the house of the informant and in the background of land dispute, started abusing



the informant, Ahmed Ali. On protest being made, petitioner nos. 1 and 3 set the residential hutment of the informant on fire.

It is submitted by learned counsel from the petitioners that in the background of land dispute and pending Title Suit No. 49 of 2018, the accusation has been levelled against the petitioners. It is further submitted that the hutment in question was not used for residential purpose and nothing has been brought on record to suggest whether any household article was burnt. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the informant that the hutment was used for residential purpose and in the FIR, it has been stated that hutment was being used by the informant for residential purpose.

Considering the fact that specific accusation of setting the hutment of the informant on fire is against the petitioner no.1, Jalil Mian and petitioner no.3, Nur Alam Miya, this Court is not inclined to grant them bail for the present, in connection with **Bhitaha P.S. Case No.25 of 2018**, pending in the Court of learned **A.C.J.M.-1st, Bagaha, West Champaran**.

Accordingly, the prayer for bail of the petitioner nos.1



and 3, is rejected.

The petitioner nos. 1 and 3 would be at liberty to renew prayer for bail, if the trial is not concluded within a period of four months.

So far as, petitioner no.2, Ismuhammad Miya and petitioner no.4, Alauddin Mian are concerned, since the specific accusation of setting the residential house on fire is not against them, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let petitioner nos. 2 and 4 be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned **A.C.J.M.- 1<sup>st</sup>, Bagaha, West Champaran** in connection with **Bhitaha P.S. Case No.25 of 2018.**

**(Dinesh Kumar Singh, J)**

Deepak/Rahul/-

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