

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12895 of 2019

Arising Out of PS. Case No.-22 Year-2018 Thana- KUCHILA District- Kaimur (Bhabua)

1. RAJESH SINGH AND ORS Son of Late Jang Bahadur Singh Resident of Village - Mukhraon, P.S.- Kuchhila, Distt.- Kaimur (Bhabhua)
2. Vijay Singh Son of Late Jang Bahadur Singh Resident of Village - Mukhraon, P.S.- Kuchhila, Distt.- Kaimur (Bhabhua)
3. Musan Singh Son of Late Jang Bahadur Singh Resident of Village - Mukhraon, P.S.- Kuchhila, Distt.- Kaimur (Bhabhua)
4. Ram Niwas Singh Son of Late Jang Bahadur Singh Resident of Village - Mukhraon, P.S.- Kuchhila, Distt.- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashwini Kumar Rai
For the Opposite Party/s	:	Mr.Ashok Kumar Singh
For the informant	:	Mr. Dharmendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-09-2019 Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Kuchhila Police Station Case No. 22 of 2018, disclosing offences under Sections 436/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the petitioners set the hut of the informant on fire, due to which large number of cows and buffaloes got burnt and died.



Learned Counsel for the petitioners submits that the petitioners have committed no offence in the manner alleged and there is no eye-witness to the occurrence inasmuch as the informant, in the First Information Report, has only stated that his wife was sleeping and when she woke up, she saw the petitioners fleeing from the place of occurrence. He further submits that the brother of the informant was involved in the case relating to violation of provisions of the Excise Act and was in custody and they suspected that the petitioners informed the police regarding the involvement of the brother of the informant and the informant has falsely implicated the petitioners in the present case.

On the other hand, learned Counsel for the informant and learned Additional Public Prosecutor, relying on the contents of the case diary, submits that at least *post-mortem* examination of five cows/buffaloes were done and they have been found to be dead due to burnt injury and the wife of the informant has seen the occurrence from the roof when she woke up from her stupor.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact and circumstances of the case and also that a large number of



cows/buffaloes have died due to burnt injury, I am not inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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