

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33651 of 2019

Arising Out of PS. Case No.-241 Year-2018 Thana- PURAINI District- Madhepura

1. Md. Rahman, Aged about 45 years, Male, Son of Late Md. Sukmoo, Resident of Village Orai Purabi Tola, P.S. Puraini, Distt Madhepura (Bihar).
2. Md. Israfil, Aged about 42 years, Male, Son of Late Md. Shahid, Resident of Village - Orai Purabi Tola, P.S.- Puraini, Distt – Madhepura (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar 1

For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-05-2019 Heard both sides.

The petitioners apprehend their arrest in Puraini P.S. Case No.241 of 2018, registered under Sections 341, 323, 436, 427, 504, 506 and 34 of the Indian Penal Code.

Md. Ishaq, the informant, named five persons including the two petitioners, Md. Rahman and Md. Israfil and alleged that the petitioners were armed with country made pistol. The informant saw Md. Sabuj sprinkling petrol all along to the residential house and cattle shed. Thereafter Md. Sabuj ignited fire in which the house and cattle shed of the informant were burnt to ashes. The informant further alleged that Md. Rahman, the petitioner no.1 asked other accused persons to



throw the informant in the burning house.

Learned counsel for the petitioners submits that there is a counter version being Puraini P.S. Case No.242 of 2018 on account of land dispute. There is case and counter case. Md. Tajmul lodged the counter version which was registered under Section 436 and other sections of the Indian Penal Code. It is further submitted that there is no specific allegation against petitioners, Md. Rahman and Md. Israfil. Petitioners were mere spectators. Md. Sabuj, the co-accused, who is alleged to have ignited fire in the house and cattle shade of the informant has already been enlarged on bail alongwith Md. Tajmul vide order dated 25.03.2019, passed in Cr. Misc. No.16983 of 2019.

Having considered the submissions and the facts that petitioners are of course named in the FIR but no specific allegation is made against the petitioners, the allegation of igniting fire in the residential house and cattle shed of the informant is against Md. Sabuj and Md. Sabuj has already been enlarged on bail, there is counter version also in which the informant and his side are alleged to have set ablaze the house of the petitioners, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged



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 the learned Judicial Magistrate, 1st Class, Uda-Kishunganj (Madhepura) in connection with Puraini P.S. Case No.241 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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