

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38239 of 2019

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

1. Jalil Mian, S/o Rahman Mian, R/o village- Baluhi, P.S.- Bhitaha, District- West Champaran
2. Nur Alam Miya @ Nur Alam Ansari, S/o Jalil Mian, R/o village- Baluhi, P.S.- Bhitaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-07-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have renewed the prayer for bail in a case registered for the offences punishable under Sections 436, 504 and 506/34 of the Indian Penal Code.

The prosecution case is that on 20.10.2018 about 3.50 P.M., the petitioners and other accused persons came at the house of the informant and in the background of land dispute, they started abusing the informant. On protest being made, petitioners set the hutment of the informant on fire.

It is submitted by learned counsel for 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 dwelling house and nothing has been brought on record to suggest whether any household article was burnt. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Earlier the prayer for bail of the petitioners was rejected by this Court vide order dated 29.01.2019 passed in Cr. Misc. No. 4690 of 2019 with a liberty to renew the prayer for bail if the same is not concluded within a period of four months. A specific statement has been made in paragraph 15 of the petition that still the charge has not been framed. The statement made in paragraph 15 of the petition reads as follows:-

“That still charge has not been framed in this case.

Hence there is no chance of conclusion of trial in near future.”

Learned APP submits that there is specific accusation of setting the hutment on fire by the petitioners. However, he has no instruction as in what circumstances the charge has not been framed.

Considering the fact that accusation of putting the hutment on fire has been levelled in the background of land dispute and pending title suit and there is no dispute with regard



to hutment being dwelling house or not coupled with the fact that still charges have not been framed and the liberty given to renew the prayer for bail after four months if the trial is not concluded, let the above named petitioners 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. 1st, Bagaha, West Champaran in connection with Bhitaha P.S. Case No. 25 of 2018.

(Dinesh Kumar Singh, J)

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