

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2859 of 2020

Arising Out of PS. Case No.-187 Year-2019 Thana- PAKRIDAYAL District- East Champaran

1. Mukesh Sah, Son of Sri Sita Ram Sah Resident of Village - Ward No. 1, Ajarwa, Police Station - Pakdi Dayal, District - East Champaran.
2. Umesh Sah, Son of Sri Sita Ram Sah Resident of Village - Ward No. 1, Ajarwa, Police Station - Pakdi Dayal, District - East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Bhanu Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 28-02-2020 Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Pakdi Dayal P. S. Case No.187 of 2019 arising out of Complaint Case No.1323 of 2019 registered for the offences punishable under Sections 324, 326/34 of the I.P.C.

3. The entire allegation of putting explosive substances on fire is against the petitioner no.2 and so far as the petitioner no.1 is concerned, it is alleged that he as well as some other instigated the petitioner no.2 for putting explosive substance on fire.

4. Learned counsel appearing for the petitioners



submits that as a matter of fact, much prior to filing of complaint petition, the petitioners had lodged a criminal case against the informant for the offences punishable under Sections 341, 323, 448, 380/34 of the I.P.C. and after institution of the above stated criminal case, the informant (complainant) lodged this false case and moreover, according to prosecution case itself, the alleged occurrence took place on 14.11.2018 whereas the complaint case was filed on 24.06.2019.

5. Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, petitioner no.1, namely, Mukesh Sah, this anticipatory bail petition is allowed and it is ordered that petitioner no.1, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the Court concerned, shall be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Pakdi Dayal P. S. Case No.187 of 2019 arising out of Complaint Case No.1323 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

6. So far as the bail prayer of the petitioner no.2, namely, Umesh Sah is concerned, the same stands rejected.



7. However, if the petitioner no.2 surrenders and seeks regular bail within six weeks from today, the concerned Court shall consider the regular bail application of petitioner no.2 on its own merit without being prejudiced by this rejection order also keeping in mind that there was enmity between the parties prior to institution of present case as well as taking note of the age of the petitioner no.2.

(Hemant Kumar Srivastava, J)

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