

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18058 of 2020

Arising Out of PS. Case No.-422 Year-2018 Thana- GHOSI District- Jehanabad

1. Surendra Prasad, aged about 50 years, Gender-Male, Son of Late Babuchand Yadav, Resident of Village - Sharistabad, P.S.- Ghoshi (O.P. Okari), Dist.- Jehanabad.
2. Dinesh Yadav @ Dinesh Prasad, aged about 53 years, Gender-Male, Son of Late Babuchand Yadav Resident of Village - Sharistabad, P.S.- Ghoshi (O.P. Okari), Dist.- Jehanabad.
3. Pintu Kumar, aged about 30 years, Gender-Male, Son of Dinesh Yadav, Resident of Village-Sharistabad, P.S.- Ghoshi (O.P. Okari), Dist.- Jehanabad.
4. Mantu Kumar, aged about 26 years, Gender-Male, Son of Dinesh Yadav, Resident of Village-Sharistabad, P.S.- Ghoshi (O.P. Okari), Dist.- Jehanabad.
5. Uday Yadav, aged about 32 years, Gender-Male, Son of Rampravesh Yadav, Resident of Village-Sharistabad, P.S.- Ghoshi (O.P. Okari), Dist.- Jehanabad.
6. Jageshwari Devi, aged about 52 years, Gender-Female, W/o Rampravesh Yadav, Resident of Village - Sharistabad, P.S.- Ghoshi (O.P. Okari), Dist.- Jehanabad.
7. Mithilesh Paswan, aged about 31 years, Gender-Male, Son of Mahendra Paswan, Resident of Village - Sharistabad, P.S.- Ghoshi (O.P. Okari), Dist.- Jehanabad.
8. Sarita Devi, aged about 31 years, Gender-Female, W/o Mithlesh Paswan, Resident of Village-Sharistabad, P.S.- Ghoshi (O.P. Okari), Dist.- Jehanabad.
9. Jairam Yadav, aged about 25 years, Gender-Male, Son of Surendra Prasad, Resident of Village - Sharistabad, P.S.- Ghoshi (O.P. Okari), Dist.- Jehanabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Nitya Nand Neeraj, Advocate.
For the Opposite Party : Mr.Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For



Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offences registered under Sections 147, 436 of the IPC and 27 of the Arms Act.

The prosecution case, in short, is that on 22.10.2018 in the night, the informant alongwith his family members was sleeping in his *Dalan* and at about 1.00 P.M., when he woke up to urinate, he saw that Surendra Prasad (petitioner no. 1) set his house on fire by sprinkling Kerosene Oil, where other petitioner nos. 2 to 9 were present. The informant further alleged that in the night of 22.10.2018 at about 11.30 P.M. Sarita Devi was looking his house. When the informant raised hulla, then Mithilesh Paswan (petitioner no. 7) fired upon him but he was saved. It is further alleged that due to arson, the household articles, wheat, rice, paddy and documents etc., were burnt to ashes. Thereafter, villagers arrived then the accused persons fled away.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the



petitioners. The petitioners have falsely been implicated in the present case. The wife of petitioner no. 1 is said to have purchased a land from the nephew of the informant which is evident from Annexure-2 to the present application which was not liked by the informant. Hence he has instituted the present case. Other co-accused have been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 32860 of 2019 under order dated 20.05.2019, annexed as Annexure-3 to the present application.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Sub Judge-Ist, Jehanabad, in connection with Ghosi (Okari) P.S. Case No. 422/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of



seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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