

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66889 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- TURKAULIYA District- East Champaran

Mithilesh Kumar, S/O Sitaram Singh R/o Vill Saphi, P.S. Raghunathpur (O.P.)
Turkauliya, Dist East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.
For the State : Mr. Mithlesh Kumar Khare, APP.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 25-06-2020 Heard learned counsel appearing for petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner apprehends his arrest in connection with Turkauliya [Raghunathpur] P.S. Case No. 47/19 under Section 436/34 of the Indian Penal Code.

Allegedly petitioner and one co-accused Sujeet Kumar were seen running from the place of occurrence having match and gallon in their respective hands and, accordingly, the informant claimed that it were petitioner and co-accused Sujeet Kumar who set his shop on fire.

Learned counsel appearing for petitioner submits that the informant happens to be tenant of Kapildeo Singh and as a matter of fact, the aforesaid Kapildeo Singh is own maternal uncle of the petitioner and between Kapildeo Singh and petitioner a partition suit bearing partition suit No. 360



of 2017 was pending at the time of alleged occurrence and that was the reason, the informant implicated the petitioner at the behest of aforesaid Kapildeo Singh and, moreover, when informant realized his fault, he entered into compromise with petitioner which is evident from the annexures annexed to this petition.

The Case Diary goes to show that except informant not a single prosecution witness claimed to have seen the petitioner running from the place of occurrence.

The record goes to show that the petitioner granted provisional bail by this Court *vide* order dated 20.11.2019 and the petitioner is still on provisional bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, provisional bail granted to petitioner *vide* order dated 20.11.2017 is, hereby, confirmed and in the aforesaid manner, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

GAURAV S./-

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