

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78929 of 2019

Arising Out of PS Case No.-101 Year-2019 Thana- CHAUTHAM District- Khagaria

1. Sultan Tati @ Sultan Tanti, aged about 35 years, Male, Son of Balo Tanti.
2. Dukhan Sharma, aged about 67 years, Male, Son of Late Setu Sharma.
3. Bipin Sharma, aged about 25 years, Male, Son of Dukhan Sharma.
All resident of Village-Tilaiy, P.S.-Chautham, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 22-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Abdul Mannan Khan, learned counsel for the petitioner no. 1, with regard to whom the application survives, and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner no. 1 apprehends arrest in connection with Chautham PS Case No. 101 of 2019 dated 06.05.2019, instituted under Sections 143, 341, 323, 504, 436 and 427 of the Indian Penal Code.



4. The allegation against the petitioners and 10 others is of abuse, assault and also of setting fire to the house of the informant.

5. Learned counsel for the petitioner no. 1 submitted that he has been falsely implicated as the petitioner was the person who was taking video of women in a marriage to which the petitioner and others had objected and the matter was pacified. It was submitted that even otherwise, the wife of the informant and other witnesses have stated with regard to other two co-accused lighting fire to the house and the petitioner is not said to have put fire to the house of the informant. It was further submitted that the police have not found any evidence of burning, either of the house or articles, as alleged by the informant in the FIR. It was submitted that the petitioner no. 1 has no criminal antecedent.

6. Learned APP, from the case diary, submitted that there is allegation against all accused of burning the house of the informant. However, he did not controvert that witnesses have not taken the name of the petitioner as one of the persons who had burnt the house/articles. He also did not controvert the fact that the Investigating Officer has not found any burnt house or articles at the place of occurrence.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner no. 1 be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Khagaria in Chautham PS Case No. 101 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further that one of the bailors shall be a close relative of the petitioner no. 1.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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