

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82149 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- DAGARUA District- Purnia

1. MD. AKHLAQUE, aged about 57 years, Male, Son of Late Tahir, Resident of Village - Ichalo, P.S. Dagarua, District - Purnea
2. Md. Aeyub, aged about 51 years, Male, S/O Late Tahir, Resident of Village - Ichalo, P.S. Dagarua, District - Purnea
3. Md Ekram @ Ekram, aged about 48 years, Male, Son of Late Tahir, Resident of Village - Ichalo, P.S. Dagarua, District - Purnea
4. Sanjida @ Sanjida khatoon, aged about 48 years, Female, W/O Md Akhlaque, Resident of Village - Ichalo, P.S. Dagarua, District - Purnea
5. Najida @ Nahida, aged about 55 years, Female, Wife of Md Ekram @ Ekram, Resident of Village - Ichalo, P.S. Dagarua, District - Purnea
6. Wasique, aged about 47 years, Male, Son of Late Karu, Resident of Village - Ichalo, P.S. Dagarua, District – Purnea ... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 25-06-2020 Prayer for pre-arrest bail on behalf of petitioner no. 1, Md. Akhlaque, has already been dismissed as withdrawn vide order, dated 13.02.2020, as he has already been arrested.

Heard learned counsel for petitioners 2 to 6 and learned Additional Public Prosecutor for the state through video conferencing.

The petitioners seek pre-arrest bail in connection with Dagarua P.S. Case No. 81 of 2019, registered under Sections 436 and 506/34 of the Indian Penal Code.

The accusation is that Md. Aeyub and Md. Ekram



(petitioners 2 and 3) forcibly constructed the pucca house covering the land of the informant, Keshwar Jahan, thereafter, Panchayati was arranged regarding the same, then, the aforesaid persons, along with petitioners 4, 5 and 6 and Noorsadhi and Arshadi, started to quarrel giving threatening to set fire in her house. In the late night of 31.05.2019, when informant was sleeping in her tina house and her husband was outside for earning livelihood, she woke up in the night, then, saw that flame is coming out from her house.

Submission is that while the occurrence is of late night of 31.05.2019, but, the present case has been lodged after four days, i.e., on 05.06.2019. Further, submission is that due to the dispute of land, mere on suspicion, the informant has lodged the present case. Further, submission is that it would appear from the case diary, which is up to 51, none of the witnesses has claimed to see the petitioners putting fire in the house of the informant. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Dagarua P.S. Case No. 81 of 2019 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees



ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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