

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5022 of 2021

Arising Out of PS. Case No.-363 Year-2019 Thana- PURNEA SADAR District- Purnia

1. RANI DEVI W/O LATE SHYAM SUNDAR MEHTO @ SHYAM SUNDAR MANJHIMANJHI RESIDENT OF MOHALLA-MILAN PARA, KHUSKIBAGH, WARD NO.41, P.S.-SADAR, DISTRICT-PURNEA.
2. NIRAJ KUMAR @ BITTU S/O LATE SHYAM SUNDAR MEHTO @ SHYAM SUNDAR MANJHI RESIDENT OF MOHALLA-MILAN PARA, KHUSKIBAGH, WARD NO.41, P.S.-SADAR, DISTRICT-PURNEA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-09-2021 Heard the learned counsel for the petitioners and

the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Sadar P.S. Case No. 363 of 2019 instituted for the offence under Sections 341, 323, 325, 447, 436 and 34 of the Indian Penal Code.

The accusation in the First Information Report is that the house of the informant was set on fire and the petitioner no. 2 is said to have assaulted her by means of a cricket bat leading to injuries on her person.

Mr. Mrityunjay Kumar, learned counsel for the



petitioners has submitted that they are neighbours of the informant and there is a dispute between them with respect to boundary wall. He has further submitted that a fire broke out in the house of the informant due to electrical short-circuit but taking advantage of such incendiary occurrence, the petitioners have been made accused in this case. The informant has received injury which cannot be said to be in consonance with ocular testimony and has been opined to be simple in nature. He further submits that such injury may have been received by the informant in some other transaction but has been shown to have been caused to her because of the assault perpetrated by the petitioner no. 2.

Regard being had to the aforestated facts specially the possibility of the false implication because of the boundary dispute and informant not being an eye witness to the occurrence, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each



with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Sadar P.S. Case No. 363 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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