

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42929 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- KARAMCHAT District- Kaimur (Bhabua)

1. JAI GOVIND DUBEY Son of Late Ramakant Dubey Resident of Village - Baheri, P.S.- Karamchat, District - Kaimur at Bhabua.
2. SANJU DEVI wife of Jai Govind Dubey Resident of Village - Baheri, P.S.- Karamchat, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nirbhay Prashant, Advocate
For the Informant	:	Mr. Yogendra Kumar, Advocate
For the State	:	Mr. Tarun Prasad Mandal. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-12-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 436 of the Indian Penal Code.

As per allegation, in the night the petitioners set the room of the informant on fire, as a result of which furniture and other materials kept in the room have been burnt.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner is named in the F.I.R. but during investigation the wife of the informant categorically stated in paragraph-6 of the case diary that he has not seen anyone and it has come during investigation that the room in question was locked at the time of arrival of police and only on the basis of suspicion the petitioners have been falsely implicated in the present case. He further submits that there is admitted land dispute between the parties and informant is the siblings of the petitioners.

Learned counsel appearing on behalf of the informant as well as learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner on the basis of the material available on record but fairly submits that no cogent material has come during investigation against the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Karamchat P.S. Case No. 16 of 2022, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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