

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60310 of 2021**

Arising Out of PS. Case No.-93 Year-2019 Thana- BAHERI District- Darbhanga

RAM CHANDRA YADAV Son of Late Baleshwar Yadav Resident of Village-
Nanda Patti, P.S.- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaishav Kumar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 10-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Baheri P.S. Case No. 93 of 2019 instituted for the offences
under Sections 436, 453, 504 and 506/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.08.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that on 09.05.2019 she woke up
at 11:55 P.M. on hearing some sound and saw accused Arun
Yadav and his son Nitish Kumar Yadav sprinkling kerosene oil
over her thatched house. Further, the informant saw Anjula Devi



handing over a match box to the petitioner who set ablaze the thatched house of the informant on which the informant raised alarm and the people from vicinity came and extinguished fire and the accused fled away from the place of occurrence. It is further alleged that food grains, utensils and sleeping materials of the informant was burnt to ashes.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the informant, after the death of her husband, in connivance with co-villager, indulges in instituting such false cases. Earlier the informant had instituted Baheri P.S. Case No. 117 of 2018 against other co-accused of the present case alleging that her house was burnt by the accused persons. It is thus submitted that in the earlier case also the allegation was identical to that has been alleged in the present case.

It is submitted that the police after investigation submitted final form in Baheri P.S. Case No. 117 of 2018, thereafter, the accused of Baheri case i.e. the accused of the present case Arun Kumar Yadav instituted Baheri P.S. Case No. 218 of 2018 against the present informant, after the final form was submitted by the police. It is submitted in the said case that the present petitioner gave statement against the informant as a



result of which the petitioner in the present case has been made an accused. Learned counsel further submits that from bare perusal of the allegation as alleged in the FIR it would manifest that the same does not even remotely suggest any motive for the occurrence nor discloses whether other inmates of the house were present when the occurrence had taken place.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Baheri P.S. Case No. 93 of 2019.

(Satyavrat Verma, J)

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