

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35036 of 2023

Arising Out of PS. Case No.-240 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. HARINAM DAS S/o- LATE NARAYAN DAS Village- Rulahi Ps- Motihari Muffasil, Dist- E.Champaran
 2. Sikendra Das @ Sikandar Das son of Harinam Das Village- Rulahi Ps- Motihari Muffasil, Dist- E.Champaran
 3. Satyanarayan Das son of Late Bhikhari Das Village- Rulahi Ps- Motihari Muffasil, Dist- E.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-07-2023

1. At the outset, learned counsel for the petitioners seeks permission to withdraw the pre-arrest bail petition with respect to petitioner no. 2.

2. This bail petition is dismissed as withdrawn with respect to petitioner no. 2.

3. Heard learned counsel for the petitioner nos. 1, 3 and the State.

4. Petitioner nos. 1 and 3 apprehend their arrest in a case registered for the offence punishable under sections 341, 323, 379, 327, 436, 427, 504/34 of the Indian Penal Code.



5. On the alleged date and time of occurrence while the informant was constructing the house, in the meantime, all the accused persons including these petitioners and 15-20 unknown persons came there and objected the construction of the house of the informant. Thereafter, all the accused persons forcibly demolished the boundary walls. It is further alleged that on the instigation of petitioner no. 1, the petitioner no. 2 set the house of the informant on fire. Petitioner no. 3 is alleged to have wrapped *gamchha* around the neck of the father of the informant and dragged him on the ground. Moreover, the accused persons entered the house of the informant and looted cash amounting to rupees two lakhs.

6. It is submitted that due to pre-existing land dispute scuffle took place between the parties. Both the parties sustained injuries. Case and counter-case. The specific accusation of setting the house of the informant on fire is against petitioner no. 2 and so far as these two petitioners are concerned, the allegation against them is general and omnibus in nature.

7. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner nos. 1 and 3, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten



thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran in connection with Motihari Muffasil P.S. Case No. 240 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

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