

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43603 of 2023

Arising Out of PS. Case No.-46 Year-2005 Thana- RAMGARHWA District- East Champaran

1. Bhagwan Singh @ Shivendra Kumar Singh, Male, aged about 39 years, Son of Sudama Singh, Resident of Mohalla-Singhasani, P.S.- Ramgarhwa, Distt- East Champaran
2. Dhiraj Singh @ Raghvendra Kumar Singh, Male, aged about 30 years, Son of Sudama Singh, Resident of Mohalla-Singhasani, P.S.- Ramgarhwa, Distt- East Champaran
3. Nagina Devi, female, aged about 58 years, Wife of Sudama Singh Resident of Mohalla-Singhasani, P.S.- Ramgarhwa, Distt- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Ramgarhwa P.S. Case No. 46 of 2005 dated 11.05.2005, instituted for the offence punishable under Sections 436, 337, of the Indian Penal Code, 1860 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on 11.05.2005 at about 5:00 pm, co-accused, Sudama Singh and his wife set the informant's house on fire due to which the house of the informant as well as his neighbour's house along with another neighbour's grain got burnt. Petitioner nos. 1 and 2



started firing in open and also pelted stone.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that both the parties are agnates and there is an on-going land dispute between the parties. After investigation, police has submitted final report before the Court showing that the petitioners “not sent up for trial”, but after six years, learned Chief Judicial Magistrate differing from the police report has taken cognizance against the petitioners without duly applying the judicial mind to the facts of the case. Lastly, it has been submitted that petitioner no.1 has one criminal case, petitioner no. 2 has two criminal cases whereas petitioner no. 3 has clean antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Ramgarhwa P.S. Case No. 46 of 2005, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



the learned Chief Judicial Magistrate, Motihari, East
Champaran, subject to condition as laid down under Section
438(2) of the Cr.P.C.

(Khatim Reza, J)

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