

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45772 of 2023**

Arising Out of PS. Case No.-277 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C  
District- Kaimur (Bhabua)

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1. Ram Kumar Singh, S/O Late Baijnath Singh, R/O Village- Khajura, PS- Belaon, Dist. Kaimur (Bhabhua)
  2. Pramod Singh @ Pramod Kumar Singh, S/O Ram Kumar Singh, R/O Village- Khajura, PS- Belaon, Dist. Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Kuber Pathak, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

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

2. In the present case, the petitioners are apprehending their arrest in connection with Complaint Case No. 277 of 2019 in which cognizance has been taken for the alleged offences under Sections 304, 436/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons set the hut of the complainant on fire in which the grand-daughter of the complainant was sleeping and she was burnt to death.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in



this case. Earlier, the complainant filed Bhagwanpur (Belaon) P.S. Case No.68 of 2018 for the offences under Sections 302, 436/34 of the Indian Penal Code with the same allegation. The matter was investigated into by the police, which, after investigation, submitted the final form against the petitioners saying it to be a mistake of fact. Thereafter, the matter proceeded on protest of the informant which was treated as a complaint petition and the learned Magistrate took cognizance under Sections 304/436/34 of the Indian Penal Code. The learned counsel further submits that there is land dispute between the petitioners and the complainant/informant and a Title Suit No.425 of 2017 is going on between the parties for the land where the complainant/informant has made a house. In the aforesaid title suit, notices were issued and the complainant appeared and filed her written statement and after hearing the parties, learned Sub-Judge-VII, Kaimur at Bhabua has directed the complainant and her husband to maintain *status quo* with regard to the suit land vide order dated 19.02.2018. But the complainant in order to take advantage of accidental fire in which her grand-daughter was burnt and subsequently she died, filed a false case, which the police after investigation also found to be false.



5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioners and other co-accused persons set the hut of the complainant on fire in which the granddaughter of the complainant was sleeping and she was burnt to death.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that during investigation nothing came up against the petitioners who were initially not sent up by the police for facing trial and cognizance against them was taken merely on protest of the informant which was treated as a complaint petition and further considering the land dispute between the parties and also considering the possibility of false accusation, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Kaimur at Bhabua, in connection with Complaint Case No. 277 of 2019, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:



- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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