

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46276 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- MADHUBAN District- East Champaran

1. Lukman Mian
2. Salamat Mian
3. Usman Mian
All three are sons of Late Dangar Mian
4. Rustam Ali
5. Khurshid Ali
6. Murshid Ali
All three are sons of Lukman Mian
7. Sanjoor Mian Son of Isha Mahammad
8. Imteyajul
9. Merajul
Both sons of Usman Mian
All Resident of Village - Sirauli, P.S.- Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioners and the

learned APP for the State.

The petitioners apprehend their arrest in connection
with Madhuban P.S. Case No.127 of 2022 instituted under
Sections 341,323,436,379,354(B),504/34 of the Indian Penal
Code.

As per the allegation in the FIR, the accused persons
assembled and put the house of the informant aflame and further



also tried to outrage her modesty. It was the effort of the fire brigade that finally extinguished the fire and the informant estimated the loss to the tune of Rs.50,000/-.

Learned counsel for the petitioners submit that the present case is counterblast to the earlier FIR lodged by the petitioner's side in which also there was allegation of causing fire to the house. He however submits that without going into the merit of the case, the petitioner's side is ready to pay Rs.50,000/- through Demand Draft to the informant's side which will be deposited in the Nazarat of the sub-ordinate court. It is his further submitted that Rs.10,000/- will be deposited through Bank Draft to the Bihar State Legal Services Committee. Both the aforesaid payment will be done by them irrespective of the result of the present petition.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that there is case and counter case in the matter, both having alleged putting the house on flame and further injury to the both sides, the petitioner's side is ready to compensate the same, this Court is inclined to grant them relief subject to payment of Rs.50,000/- to the informant's side through Demand Draft and Rs.10,000/- to the



Bihar State Legal Services Committee. The receipt of both will be submitted at the time of surrender.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Madhuban P.S. Case No.127 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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