

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47678 of 2023**

Arising Out of PS. Case No.-53 Year-2022 Thana- BIBHUTIPUR District- Samastipur

SUNITA DEVI WIFE OF SURESH SAH RESIDENT OF VILLAGE-  
CHAKHABIB, PS- BIBHUTIPUR, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kundan Kumar, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      15-09-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with  
Bibhutipur P.S. Case No. 53 of 2022 dated 13.02.2022 registered  
for the offence under Sections 147, 1249, 341, 323, 504, 506, 436,  
448 and 379 of the Indian Penal Code and Section 27 of the Arms  
Act.

The petitioner is alleged to have sprinkled petrol  
insisting the co-accused, Suresh Sah to lite the matchbox as a  
result of which house of the informant was burnt.

Learned counsel appearing for the petitioner submits  
that the petitioner, who is of clean antecedent, is innocent and  
has falsely been implicated in this case. He further submits that  
the allegation, as alleged in the F.I.R., is false and fabricated and



the petitioner has not committed any offence. He further submits that there is land dispute between the parties and on account of the same, the petitioner has been made accused in this case with false and fabricated accusation. He further submits that there is case and counter case between the parties. He further submits that as per the allegation in the F.I.R., the petitioner has poured petrol over the house of the informant and the co-accused has thrown the match stick due to which house of the informant got burnt. Moreover, co-accused, Suresh Sah has already been granted bail by vide order dated 14.03.2022 passed in B.P. No. 245 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 01.06.2022.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner has sprinkled petrol over the house of the informant.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 53 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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