

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52977 of 2023

Arising Out of PS. Case No.-2420 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. Tara Devi W/O Motilal Bishwas R/O Village- Baghora, Ps. Azam Nagar, Dist. Katihar
 2. Lalita Devi W/O Haldan Bishwas R/O Village- Baghora, Ps. Azam Nagar, Dist. Katihar
 3. Motilal Bishwas S/O Ramchandra Mohan R/O Village- Baghora, Ps. Azam Nagar, Dist. Katihar
 4. Rajan Bishwas S/O Tengra Bishwas R/O Village- Baghora, Ps. Azam Nagar, Dist. Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Most. Pratima Devi W/O Late Yogendra Bishwas R/O Village- Baghora, Ps. Azam Nagar, Dist. Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioners and the

learned APP for the State.

2. The petitioners are apprehending their arrest in connection with C.A. Case No. 2420 of 2022, registered for the offence punishable under Sections 147, 323, 436 and 120b of the Indian Penal Code.

3. As per allegation, on 13.11.2022 the complainant has alleged setting ablaze of her house, causing a loss quantified at Rs. 3 lakhs. The alleged occurrence is 18 days prior thereto,



i.e., on 12.11.2022.

4. The learned counsel for the petitioners submits that falsity is writ large on the prosecution case. It is unbelievable that a person whose house would be set ablaze, would wait for 18 days and, thereafter, lodge a complaint case rather than immediately rushing to the police authority. It is a case of false implication based on extraneous considerations and, therefore, even the woman-folk of the accused family have been made accused in the complaint case. All the petitioners are having no antecedent.

5. The learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of allegations and submissions recorded above, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released 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, Katihar, in connection with C.A. Case No. 2420 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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