

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65272 of 2023

Arising Out of PS. Case No.-370 Year-2013 Thana- SIKARPUR District- West Champaran

1. Gokhul Patel, aged about 52 years, Gender-Male, Son of Late Harischandra Patel @ Harischandra Chaudhary, R/o vill - Bargajawa, P.S. - Shikarpur, Distt. - West Champaran.
2. Awadh Kishore Pandey @ Awadh Kishore Yadav, aged about 53 years, Gender-Male, Son of Gauri Yadav, R/o vill - Bargajawa, P.S. - Shikarpur, Distt. - West Champaran.
3. Mathur Patel @ Mayur Patel @ Mathura Chaudhary, aged about 49 years, Gender-Male, Son of Late Harischandra Patel @ Harischandra Chaudhary, R/o vill - Bargajawa, P.S. - Shikarpur, Distt. - West Champaran.
4. Mellu Paswan @ Bhelu Paswan @ Shankar Hazra, aged about 63 years, Gender-Male, Son of Late Sukhal Hazra, R/o vill - Bargajawa, P.S. - Shikarpur, Distt. - West Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Shashank Chandra, Advocate
For the Opposite Party	:	Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-11-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Shikarpur P.S. Case No. 370 of 2013 dated 10.11.2013 registered for the offences punishable under



Sections 436, 429 and 34 of the I.P.C.

4. As per the prosecution case, on 08.11.2013 at about 2.00 P.M., the petitioners in order to grab the land of the informant, set ablaze the house of the informant, on account of which, two cows and one she-buffalo died and food-grains were also destroyed. On hue and cry, co-villagers and the family members doused the fire.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. The petitioner nos. 1, 3 and 4 have clean antecedent and the petitioner no. 2 has one criminal antecedent in which he is on bail. It is submitted that in the present case, after investigation, police has submitted Final Form No. 108 of 2014 and has found the case to be false but the learned court below took cognizance under Sections 436, 429 read with Section 34 of the I.P.C. against the petitioners. It is further submitted that the occurrence has taken place on 08.11.2013 as to when the present case has been instituted on 10.11.2013 i.e., after a delay of two days for which no explanation has been given by the prosecution.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory 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 Court concerned, Bettiah at West Champaran in connection with Shikarpur P.S. Case No. 370 of 2013, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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