

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34895 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- KUTUMBA District- Aurangabad

1. RAMASHISH RAJWAR S/O BUDHAN RAJWAR R/O VILLAGE-CHHAKANBAG, P.S- KUTUMBA, DISTT.- AURANGABAD.
2. BULKANI DEVI @ RAJLI DEVI W/O RAMASHISH RAJWAR R/O VILLAGE- CHHAKANBAG, P.S- KUTUMBA, DISTT.- AURANGABAD.
3. SUSHMA DEVI W/O DHANUJ RAJBANSI R/O VILLAGE-CHHAKANBAG, P.S- KUTUMBA, DISTT.- AURANGABAD.
4. RAHUL KUMAR S/O GARAI RAJBAR R/O VILLAGE-CHHAKANBAG, P.S- KUTUMBA, DISTT.- AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-07-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Kutumba P.S. Case No. 07 of 2024 for the offence under Sections 436 and 34 of the I.P.C. lodged on 10.01.2024 by the informant, Reshma Devi.

3. As per the prosecution story, the informant alleged that after taking meal as she alongwith her children were sleeping, saw smoke and then the fire caught her '*phoos*' house in which her bed, cloths and rice were burnt. She had a strong suspicion on the accused persons including the petitioners



behind the said fire. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the alleged occurrence is of 02.01.2024, eight days later, the FIR on 10.01.2024, no one has seen that how the fire started and only on the basis of suspicion, implicated. He further submits that two of them are ladies and none of them have criminal antecedent.

5. Learned APP opposes the prayer stating that due to enmity the accused persons put the house on fire.

6. Taking into account the aforesaid submissions, the delay in lodging of the FIR, there is no eye-witness to the alleged occurrence and none of them have criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Aurangabad in connection with Kutumba P.S. Case No. 07 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family



member/relative of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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