

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48724 of 2024**

Arising Out of PS. Case No.-133 Year-2023 Thana- DIGHA District- Patna

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BILENDER RAI @ BILLA @ BIRENDER RAI SON OF RAMBALI RAI  
@ TUNAA RAI @ BALIRAM RAI R/O- Yadav Gali, Ramjee Chak, P.S.-  
Digha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 3      18-09-2024                      1. Heard learned counsel for the petitioner and  
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 435 and  
436/34 of the Indian Penal Code.
3. Learned counsel for the petitioner, at the outset,  
submits that by order dated 19.08.2024, case diary was called  
for but the same till date has not been received.
4. The Court will not wait endlessly for the case diary  
and, thus, proceeds to decide the case on merits based on the  
allegation as alleged in the FIR.
5. Learned counsel for the petitioner submits that  
petitioner has antecedent of two cases.
6. The informant alleges that on 21.02.2023 at 01:45



a.m. while he was sleeping, when Vishal Kumar came and informed that his godown has been put on fire. Further, on asking, Vishal disclosed that Mannu Rai and petitioner along with two unknown accused persons sprinkled petrol and set the godown on fire. Accordingly, the informant reached the place of occurrence and saw the police and fire brigade personnel trying to douse the fire. It is next alleged that on account of fire, informant sustained loss of Rs.18 lakhs as timber got burnt which were kept in the godown.

7. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that the allegation does not even remotely suggest the reason for the occurrence i.e. as to why the petitioner would have put the godown of the informant on fire. It is next submitted that the informant is not an eyewitness to the occurrence rather the FIR came to be instituted based on the information disclosed by Vishal Kumar as such it is submitted that an aspersion is cast in absence of any motive alleged against the petitioner for committing the occurrence. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

8. Mr. Chandra Bhushan Prasad learned A.P.P. for the



State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Digha P.S. Case No. 133 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

11. Let a copy of this order be sent to the concerned police station through the learned trial court.

**(Satyavrat Verma, J)**

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