

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79159 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- NADI District- West Champaran

1. Chhotelal Ram Son Of Late Balkishun Ram Resident Of Village - Pathkhauli Bariyarwa, Police Station - Chautarwa, District - West Champaran
2. Arbind Ram Son Of Chhotelal Ram Resident Of Village - Pathkhauli Bariyarwa, Police Station - Chautarwa, District - West Champaran
3. Badelal Ram Son Of Late Balkishun Ram Resident Of Village - Pathkhauli Bariyarwa, Police Station - Chautarwa, District - West Champaran
4. Anil Ram Son Of Chhotelal Ram Resident Of Village - Pathkhauli Bariyarwa, Police Station - Chautarwa, District - West Champaran
5. Rajesh Ram Son Of Badelal Ram Resident Of Village - Pathkhauli Bariyarwa, Police Station - Chautarwa, District - West Champaran
6. Rabita Devi Wife Of Anil Ram Resident Of Village - Pathkhauli Bariyarwa, Police Station - Chautarwa, District - West Champaran
7. Khushbu Devi Wife Of Arvind Ram Resident Of Village - Pathkhauli Bariyarwa, Police Station - Chautarwa, District - West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ramendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Bagaha Nadi P.S. Case No. 17 of 2023 registered for the offences punishable under Section 436 of the Indian Penal Code.

3. Allegation against the petitioners is to cause



mischief by putting dwelling house of the informant on fire along with other accused persons, where occurrence, as alleged, is arises out of land dispute.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners were falsely implicated in this case as they are innocent persons, where the occurrence arises out of land dispute, where one Land Dispute Resolution Case bearing Case No. 15/2023-24 dated 09.05.2023, is pending before the Deputy Collector Land Reforms, Bagaha, West Champaran, where notice has already been issued. It is submitted that allegation is very much general and omnibus in nature and narration of F.I.R. is not suggesting that the house in issue was ordinarily a dwelling unit. It is further pointed out that petitioners are the members of same family.

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

6. In view of the aforesaid factual submissions and by taking note of the fact that allegation against petitioners *qua* causing mischief by putting dwelling house of the



informant on fire is very much general and omnibus where parties are at litigating terms out of land disputes, accordingly, all above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Bagaha, West Champaran in connection with Nadi P.S. Case No. 17 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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