

Patna High Court - Orders

Brij Kishore Rai & Ors vs State Of Bihar on 15 June, 2010

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.18097 of 2010

1. BRIJ KISHORE RAI
2. Birendra Rajbhar
3. Mahendra Rajbhar
4. Baijnath Rajbhar
5. Surendra Rajbhar
6. Munna Rajbhar

Versus

STATE OF BIHAR

2. 15.6.2010 Heard learned counsel for the petitioners and the State.

The defence of the petitioners in a Police case under Sections 435 and 436/34 of the Penal Code is that there has been no fire at the house of the informant when there is otherwise a case and counter case between them on account of the land dispute.

In view of the specific assertion in the F.I.R. that the petitioners set fire to the house of the informant, this Court is not persuaded to grant the privilege of anticipatory bail.

The application is rejected.

In any application for regular bail, the Court below is obliged to consider from the case diary if sign of any fire have been found at the house of the informant and in that light decide the prayer for regular bail, without being prejudiced by the present order.

P. Kumar

(Navin Sinha, J.)