

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27453 of 2015

Arising Out of PS.Case No. -48 Year- 2013 Thana -SIWAN MUFFASIL District- SIWAN

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Jawaharlal Prasad @ Jawahir Prasad, Son of Banshi Lal Prasad, Resident of Village - Bindusar Bujurg, Police Station - Siwan Mufassil, District - Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 21-07-2015

Heard learned counsel for the petitioner and the

learned counsel for the State.

The petitioner is apprehending his arrest in connection with Siwan Mufassil(Mahadewa O.P.)) P.S. Case No.48 of 2013 for allegedly having committed the offence under Sections 120B, 363, 364A and 365 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier also in the year 2007 a similar complaint had been lodged against the petitioner, bearing Complaint Case No.46 of 2007 under Sections 364A and 365 of the I.P.C. Learned counsel submits that there being a history of litigations regarding sale and purchase of a piece of land since the year 2004, bearing Title Suit No.279 of 2004, the complainant had filed a case of kidnapping of his son, namely, Nandan Sharma, which came to be dismissed on account of non-appearance of the complainant on several dates in the year 2011. Despite the said dismissal, the

complainant has again come forth to lodge a fresh complaint in the year 2013 with regard to the same offence of the year 2007. Learned counsel for the petitioner submits that admittedly, the petitioner being a Government servant and an employee in a School in Jharkhand is being harassed by the complainant. It is also submitted that the first complaint was filed by the full brother of the present complainant and though the said case is not maintainable, cognizance of the offence has been taken by the Judicial Magistrate, as a result of which he is apprehending his arrest.

Considering the aforementioned submissions and the nature of allegations, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Siwan Mufassil(Mahadewa O.P.) P.S. Case No.48 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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