

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47908 of 2014**

Arising Out of PS.Case No. -103 Year- 2014 Thana -KALYANPUR District-  
EASTCHAMPARAN(MOTIHARI)

=====

1. Habibullah son of Ali Akbar, Resident of Village- Shiswa Sob, P.S.-  
Kalyanpur, District- East Champaran

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar No.Iii

For the Opposite Party/s : Mr. Gopesh Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

3      22-06-2015                      Heard learned counsel for the petitioner as well as  
  
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with  
  
Kalyanpur P.S. Case No. 103 of 2014 registered for the offences  
  
punishable under Sections 457, 380 of the Indian Penal Code.

Petitioner is named in the first information report and  
  
informant claimed to have identified the petitioner at the time of  
  
alleged occurrence but submission on behalf of the petitioner is  
  
that petitioner is own nephew of the informant and as a matter of  
  
fact, he has been roped in this case on account of partition and  
  
land dispute. It is further contended by him that it is unbelievable  
  
that own nephew would commit dacoity/theft in the house of his

own uncle without concealing his identity.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner does not have any criminal antecedent, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri B.K. Choudhary, Judicial Magistrate 1st Class, Motihari, East Champaran in Kalyanpur P.S. Case No. 103 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

**(Hemant Kumar Srivastava, J)**

SHAHZAD/-

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