

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52447 of 2015

Arising Out of PS.Case No. -76 Year- 2015 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Md. Gani @ Abdul Gani S/o Late Md. Ismyal
2. Dhruv Sah @ Dhurab Narayan Sah S/o Late Bal Govind Sah
3. Nityanand Jha @ Ghutuna S/o Hemnarain Jha All resident of village-
Narhan, P.s.- Bibhutipur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan Spl. APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 14-12-2015 Heard learned counsel for the parties.

The petitioners apprehend their arrest in connection with Bibhutipur P.S. Case No.76 of 2015 for the offences punishable under Sections 147, 149, 341, 332, 225(B), 353, 504 and 506 of Indian Penal Code.

The informant is the Station House Officer of the Bibhutipur Police Station in the district of Samastipur and the petitioners herein have been charged with securing forceful release of an accused in a matter arising from Bibhutipur P.S. Case No. 17 of 2015. The person so got released happens to be the son of the petitioner No.2.

It is the argument of Mr. Jitendra Kumar Pandey learned counsel for the petitioners that the allegations are concocted and that the own brother of the petitioner No.2 is the informant in Bibhutipur P.S. Case No. 17 of 2015 and that although the allegation against these petitioners is of forcibly release of the son

of the petitioner No.2 Vikash Kumar who is the accused in the other case but the very fact that the said Vikash Kumar has already obtained regular bail in the said case on 29.5.2015 is sufficient indication of the falsity of the allegation. With reference to Annexure-2 it is submitted that there was a marriage in the family in which all these petitioners had gathered. It is argued that since these petitioners raised objection against the police personnel who had come to arrest accused Vikash Kumar, which has led to the case in question.

Having heard learned counsel for the parties and considering the fact that the accused Vikash Kumar who is at the centre of controversy, has surrendered to the jurisdiction of the court and obtained regular bail, let these petitioners namely, (1) Md.Gani @Abdul Gani,(2) Dhrub Sah@ Dhurab Narayan Sah and (3) Nityanand Jha @Ghutuna in the event of their arrest/surrender within four weeks from today, be released on bail upon each of them furnishing individual bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 76 of 2015 subject to the conditions stipulated under Section 438(2) of the Code of Criminal Procedure.

Bibhash/-

(Jyoti Saran, J)

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