

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35630 of 2015

Arising Out of PS.Case No. -127 Year- 2015 Thana -KHAZANIHAT District- PURNIA

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Rajesh Kumar Son of Late Mohan Lal, resident of Nowrattan Hata Bhatha,
Purnia, P.S. Khajanchi Haat (K. Haat), District- Purnia

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 02-11-2015 Heard both sides.

The petitioner apprehends his arrest in K. Haat (Sahayak) P.S. Case No. 127/2015, registered for the offences punishable under Sections 147, 149, 447, 341, 342, 380, 364, 504 and 506 of the Indian Penal Code.

The informant alleged that he was living with his nephew Rehaal in the house situated in Mohallah Anandpuri Bhatha. The petitioner and Shashidhar Bharti @ Lappu Yadav came and ransacked the house of the informant and took away different articles and also kidnapped his nephew Md. Rehaal.

Learned counsel for the petitioner submits that the informant was tenant of Sikha Bose and Satyaranjan Bose. Sikha Bose and Satyaranjan Bose filed eviction suit against the

informant but in the mean time, the petitioner purchased the land from the land owners and the petitioner was impleaded as plaintiffs in the aforesaid eviction suit. The eviction suit was decreed with a direction to the informant to vacate the suit premises within two months. The informant did not want to vacate the suit premises and that is why he filed this case.

Learned counsel for the informant as well as Additional P.P. opposed the prayer for bail and submitted that the nephew of the informant is still traceless.

The police after investigation submitted charge-sheet against Shashidhar Bharti. Shashidhar Bharti has already been granted regular bail. The police kept the investigation pending against the petitioner.

Having considered the facts aforesaid and the fact that of course there is a dispute with regard to eviction of suit premises, there is allegation against the petitioner and Shashidhar Bharti that they kidnapped the nephew of the informant and the victim is still traceless, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of

receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered taking into account that similarly situated co-accused Shashidhar Bharti has already been enlarged on regular bail.

(Prabhat Kumar Jha, J.)

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