

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42695 of 2014

Arising Out of PS.Case No. -331 Year- 2013 Thana -MADHEPURA District- MADHEPURA

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1. Maheshwari Mukhiya Son of Late Nakchhedi Mukhiya, Ward No. 8,
Khopaiti, Malhani, P.s. + District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

2 16-04-2015 Heard learned counsel for the petitioner as well as

learned counsel for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 147, 148, 149, 452, 323, 324, 325, 307, 379, 427 and 302 of the I.P.C.

Allegedly, eight FIR named accused persons along with 15 to 20 unknown armed with iron-rod, bows-arrows, Dabia etc. came at the house of the informant, break the door and thereafter the FIR named accused persons assaulted the persons and further they have taken away Rs. 50,000/- from possession of son-in-law of the informant.

Submission is of false implication and that the

petitioner is not named in the FIR and only due to old enmity the petitioner has been roped in this case. The petitioner is aged about 75 years and he has got no concern with the alleged dispute between the family of Bijendra Mukhiya and Mohit Mukhiya and the petitioner is not the family member and as such he deserves sympathetic consideration. During investigation it has only come that the petitioner was also present at the time of occurrence.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances as stated above, considering that the petitioner is not named in the FIR and his name has come later on and as such the petitioner in case of his arrest or surrender within two months from the date of receipt/production of a copy of this order shall 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. C.J.M. Madhepura in Madhepura P.S. Case No. 331 of 2013, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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