

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1572 of 2016

Arising Out of PS.Case No. -708 Year- 2014 Thana -PHULWARI District- PATNA

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1. Ashwani Kumar Singh Son of late Hari Dayal Singh Resident of 2nd Floor, Krishna Building S.P. Verma, Road, P.s Gandhi Maidan, Distt Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Sunil Kr.Panday(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 13-01-2016

Heard learned counsels for the petitioner, informant and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 406 of the Indian Penal Code.

The prosecution case is that the petitioner sold 2800 Sq. feet land to the informant on 15.03.1997. Subsequently, the informant came in possession of the same but now the petitioner, who is running a school adjacent to the plot of informant, is obstructing road of the informant and threatening him.

It is submitted by the learned Senior counsel for the petitioner that even assuming the accusation, no case under section 406 of the IPC is made out and the petitioner is not disputing the sale deed executed in the year 1997 in favour of the informant.

It is submitted by learned counsel for the informant that the petitioner has not only encroached upon the land of informant

but also obstructing his road of way and also threatening him and several cases of similar nature have been registered against the petitioner.

Considering the nature of accusation, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Ms. Shema Erum, learned JM, 1st class, Patna in connection with Phulwarisharif P.S. Case No. 708 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner will be accepted by learned court below on filing an affidavit that the petitioner will not make any disturbance in peaceful possession of the land of the informant. Such affidavit will be transmitted to the concerned police station. The provisional bail granted to the petitioner will be confirmed by the learned court below if it finds that petitioner is not creating disturbance in peaceful possession of the informant.

(Dinesh Kumar Singh, J)

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