

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8140 of 2016

Arising Out of PS.Case No. -75 Year- 2015 Thana -HATHAURI District- MUZAFFARPUR

1. Manish Singh S/o late Kusheshwar Singh Resident of Village Sohijan P.s
Hathauri District Muzaffapur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-02-2016 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in
connection with Hathauri P.S.Case No. 75 of 2015 registered for
offences punishable under Sections 341, 323, 307, 504, 506 and
379/34 of the Indian Penal Code.

The prosecution case as per the F.I.R., lodged
on the basis of fardbyan of Manoj Kumar Singh in S.K.M.C.H.
Police Camp that on 12.10.2014 at about 8.00 A.M. he went to his
land for constructing the house. Raju Singh, Manish Singh,
Manwa Devi, Shiwani Devi and Kritika Kumari came there with
farsa, knife , rod and stick and started hurling filthy language and
assaulted the informant and his younger brother with respective

weapons and snatched golden chain from his neck and Rs. 2000/- cash of Vivek Kumar Singh.

It has been submitted by the learned counsel for the petitioner that the informant's side and the petitioner's side are agnates and there is land dispute between the parties. It has further been submitted that no overt act has been alleged against the petitioner rather the allegation is on other accused persons, of assault. Learned counsel for the petitioner submits that the petitioner has got no criminal history, as is evident from para-3 of this petition.

Learned counsel for the petitioner contends that the informant's side being authoritarian person of the village have rather harassed him and his family members in order to grab his land and the mother of the petitioner has filed a case under Section 144 of the Cr. P. C. against the informant. It has been also submitted that in the F.I.R. although the date of occurrence is 12.10.2014 but F.I.R. has been lodged after nearly nine months i.e. 12.07.2015, which itself creates doubt.

However, learned A.P.P. submits that the petitioner is named F.I.R. and opposes prayer for bail.

Be that as it may, let the above named petitioner, Manish Singh in the event of his arrest or surrender before the

Court below within a period of eight weeks from today be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-Cum-Sub- Judge 10th, Muzaffarpur in connection with Hathauri P.S.Case No. 75 of 2015, subject to the conditions laid down under Section 438 (2) Cr. P. C.

(Nilu Agrawal, J)

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