

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24920 of 2016

Arising Out of PS.Case No. -96 Year- 2015 Thana -BAJPATTI District- SITAMARHI

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1. Raj Yog Singh @ Amit Kumar Son of Upendra Singh resident of village
- Bangaon, Police Station Bajpatti, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. R.S. Chaudhary (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 16-06-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with

Bajpatti Police Station Case No. 96 of 2015 which was registered

on the basis of complaint petition filed by the

complainant/informant on 13.04.2015 in respect of an occurrence

which is said to have taken place on 10.04.2015. Police

investigated the above stated case and found the case true under

sections 341, 323, 354, 504, 506/34 of the Indian Penal Code but

the learned court below took cognizance of the offences

punishable under sections 341, 323, 504, 506/34 of the Indian

Penal Code.

Learned counsel appearing for the petitioner submits

that initially the F.I.R was registered under section 376 and other minor sections of the Indian Penal Code but, admittedly, the police found the story of rape untrue and, therefore, the police neither submitted charge sheet for the offence punishable under section 376 nor under section 354 of the Indian Penal Code but the learned court below without any material took cognizance of the offences under the aforesaid Sections. It is further submitted that petitioner happens to be agnate of the complainant/informant and there was land dispute between the parties and that is the reason of filing of the present case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi in Bajpatti Police Station Case no. 96 of 2015, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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