

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38378 of 2016

Arising Out of PS.Case No. -85 Year- 2016 Thana -KUDHNI District- MUZAFFARPUR

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1. Mithun Kumar @ Mithu Kumar I
2. Bablu Kumar I Both sons of Vishwanath Rai
3. Urmila Devi w/o Vishwanath Rai
All R/o Village Chandrahiya, P.S.Kudhani, District Muzaffarpur.
..... Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 17-09-2016 Heard Sri Manish Chandra Gandhi, learned counsel
for the petitioners and Sri Amit Kumar Rakesh, learned Addl.
Public Prosecutor.

Three petitioners, who are close relation of the informant, apprehending their arrest in Kudhani P.S. Case No.85/2016 registered for the offence under Sections 341, 323, 324, 307, 354(B), 379, 504 read with Section 34 of the Indian Penal Code, have prayed for grant of bail, in the event of their arrest or surrender.

It was submitted by learned counsel for the petitioners that land dispute vide Title Suit No.287/2003 in between the parties was going on, in which preliminary decree was prepared and even during pendency of execution proceeding, the informant side wanted to dispossess the petitioners from the

land and, as such, with a view to dispossess the petitioners, the present false case was instituted. He further submits that even on perusal of the F.I.R., it is evident that though Section 307 of the Indian Penal Code has been added, there is no material to suggest commission of offence under Section 307 of the Indian Penal Code. Regarding the allegation relating to offence under Section 379 of the Indian Penal Code, he submits that the allegation appears to be exaggeration. He further submits that before the court below neither injury report nor case diary was produced.

In view of the fact that the petitioners' side and the informant are close relative and land dispute was going on as well as considering the nature of accusation, let the aforesaid three petitioners, namely, (i) Mithun Kumar @ Mithu Kumar (ii) Babalu Kumar and (iii) Urmila Devi, in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Muzaffarpur West in connection with Kudhani P.S. Case No.85/2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

NKS/-

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(Rakesh Kumar, J)