

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47591 of 2016

Arising Out of PS.Case No. -117 Year- 2016 Thana -ALAMGANJ District- PATNA

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Vinay Kumar Vibhuti son of Sri Prahalad Kumar Vibhuti, R/o Gaighat
South Galli, P.S.- Alamganj, District- Patna Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Sinha

For the Opposite Party/s : Mr. Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 15-12-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Counter affidavit has been filed on behalf of the
informant which has been taken on record.

Petitioner apprehends his arrest in connection with
Alamganj P.S. Case No. 117 of 2016 registered for the offences
punishable under Sections 452, 341, 323, 379, 426, 307/34 of the
Indian Penal Code.

The informant and his wife who is an Advocate were
tenants in the house which was purchased by the petitioner
through registered sale deed from a lawful owner and forcibly
threw all the household articles and ejected the informant from
that house forcibly with the help of other co-accused and criminal
associates.

Submission is of false implication and that the
informant has himself given an undertaking to vacate the house by



Holi and in that undertaking the petitioner has himself shown as Advocate, though he is a Teacher which is evident from annexure-3. Other co-accused have been allowed bail by learned Sessions Judge, Patna but with the same allegation prayer of pre-arrest bail of the petitioner has been refused and as such the petitioner deserves sympathetic consideration to which the learned APP duly assisted by learned counsel for the informant opposes by submitting that all the household articles were thrown and the informant has been ejected by illegal method.

In the facts and circumstances stated above, considering the undertaking given by the informant himself that he will vacate the house by 31st March, 2016 and thereafter, this case has been lodge on 15.04.2016, the petitioner above named, in case of his arrest of surrender within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City, Patna in connection with Alamganj P.S. Case No. 117 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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