

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50390 of 2015

Arising Out of PS.Case No. -148 Year- 2015 Thana -LALGANJ District- VAISHALI(HAJIPUR)

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1. Ram Naresh Singh Son of Sri Vishwanath Singh
 2. Sujit Kumar Singh @ Sujit Kumar Son of Ram Naresh Singh
 3. Dharmendra Kumar Singh @ Bhim singh @ Dharmendra @ Bhim @
Dharmendra son of Shiv Prasad Singh

All Resident of Village Rupsipur p.s Mahnar, District Vaishali (Hazipur)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Adovcate

For the Opposite Party/s : Mr. Veena Rani Pd., APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 09-02-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Lalganj P.S. Case No. 148 of 2015 instituted for the offences punishable under Sections 364, 120(B) and 379 of the Indian Panel Code.

As per prosecution case, the informant's younger brother, i.e., Subodh Kumar along with his three friends (Uday Kumar, Binod Roy, Krishna and Sanjeev Kumar) had gone to Lalganj Market to give Lichi by vehicle from his house. When



they reached near the Lalganj Police Station, 20-30 miscreants armed with weapons with three Bolero vehicle and six motor cycles surrounded the vehicle of Subodh Kumar. However, they pulled out all the persons from the vehicle and assaulted them and snatched mobile, cash and chain and also Khushboo Devi and others threatened to kill. On the point of gun, the criminals shifted Subodh Kumar and Sanjeev Kumar on Bolero and flew away towards the Hazipur. Uday Kumar, Binod Roy and Krishna were not taken away.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. Informant is the brother of Subodh Kumar and who has alleged that Subodh Kumar and Sanjeev Kumar have been abducted by the petitioners. Petitioner No. 1 is the father-in-law of Sanjeev Kumar and the wife of Sanjeev Kumar has also been made accused in the present case. Subodh Kumar is the brother-in-law of Sanjeev Kumar and at the instance of Subodh Kumar, his brother (informant) has got the present case instituted with an intention to falsely implicate the petitioner and his family members. From perusal of Paras 22, 23, 117, 124, 125, 126, 128, 129, 130, 131, 136 and 137 of the case diary, it is evident that Subodh Kumar is getting the land of Sanjeev Kumar being sold as

the said Sanjeev Kumar is mentally ill and taking the advantage of the same, by way of fraud, the said Subodh Kumar is getting the same executed by the said Sanjeev Kumar. The said act of the Subodh Kumar being objected by the petitioners and the wife of Sanjeev Kumar. Hence, they have been made accused in the present case. This false case has been instituted due to property dispute in the family.

On behalf of the State, it has been submitted that though the petitioner no. 1 is named in the F.I.R., paras referred by the petitioner narrates a different story than what has been stated in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of six weeks from today, be released on bail furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Hazipur in connection with Lalganj P.S. Case No. 148 of 2015, on subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J.)

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