

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.8061 of 2016**

Arising Out of PS.Case No. -3 Year- 2014 Thana -SHYAMPUR BHATHA District- SHEOHAR

Harimadhav Singh, S/o - Dharamdev Singh, Resident of Village - Lalgarh  
Jogia, P.S. - Shyampur Bhataha, District - Sheohar.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Smt. Indu Kri.Srivastav, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      23-02-2016      Heard learned counsel for the petitioner and  
learned APP for the State.

Petitioner apprehends arrest in connection with  
Shyampur Bhataha P.S. Case No. 03/14, G.R. No. 13/14 for  
offences alleged under Sections 364, 365, 323, 379/34 of the  
Indian Penal Code.

The prosecution case, as lodged by the informant,  
is that in the night of 13/ 14.01.2014 when he was sleeping at his  
Dera (newly constructed house) along with his brother and other  
family members and rest members of his family were sleeping in  
his old house, 10-12 miscreants entered into his Dera and enquired  
about his son Mohan Sahni. The informant and others refused to  
disclose his whereabouts, for which they were assaulted with fists

and kicks as also with butt of the pistol and thereafter they confined them in a room and took away his nephew Rabindra Sahni by assaulting him, to his old house. Mohan Sahni was caught there and the miscreants took him away towards south with intension to kill him. Informant and his family members identified the miscreants and named 9 persons including this petitioner. It is further alleged that two Nokia mobile set and one spice carbon mobile set were also taken away by the miscreants.

It has been submitted on behalf of the petitioner that the petitioner is innocent and has falsely been implicated in the aforesaid case because he is a prosecution witness in Shyampur Bhataha P.S. Case No. 25/08 in which the informant and his abducted son Mohan Sahni are the accused. It has further been submitted that the petitioner has no criminal antecedent, as is evident from paragraph 3 of this petition. Furthermore, learned counsel for the petitioner brings to my notice the order dated 03.11.2014, passed in Cr. Misc. No. 27959 of 2014 by which co-accused Sudhir Singh, on whom similar allegations had been levelled, has been granted the privilege of anticipatory bail by a Co-Ordinate Bench of this Court.

Learned APP for the State, however, submits that the petitioner is named in the First Information Report.

Since a Coordinate Bench of this Court has already granted the privilege of anticipatory bail to a similarly situated co-accused, I do not propose to take a different view. In such circumstances, let petitioner, above named, 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 the like amount each to the satisfaction of learnt Chief Judicial Magistrate, Sheohar, in connection with Shyampur Bhataha P.S. Case No.03/14, G.R. No. 13/14, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Rajesh/-

**(Nilu Agrawal, J.)**

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