

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44798 of 2016

Arising Out of PS.Case No. -114 Year- 2014 Thana -SAHIYARA District- SITAMARHI

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1. Ram Ishwar Singh son of Late Raj Narayan Singh. Resident of Village and P.S.- Sahiyara, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 06-12-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Initially, the case was lodged under section 341, 323, 307, 354, 379/34 of the Indian Penal Code but police submitted charge sheet under section 341, 323, 504, 354/34 of the Indian Penal Code. The learned Additional Chief Judicial Magistrate took the cognizance of the offence under the above stated Sections and, therefore, it is apparent that police found the case untrue under section 379 and 307 of the Indian Penal Code.

Learned counsel for the petitioner submits that previous enmity and land dispute between the parties is admitted in the first information report and, therefore, the application of section 354 of the Indian Penal Code appears to be not attracted.



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 Additional Chief Judicial Magistrate-V Sitamarhi in connection with Trial no. 1118 of 2016 arising out of Sahiyara Police Station Case No. 114 of 2014, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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