

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34733 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -IMAMGANJ District- GAYA

1. Bechan Sao @ Kailash Sao Son of Late Ganesh Sao resident of village -
Sugasat, P.S. Barachatti, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate

For the Opposite Party/s : Mr. Smt. Anita Kumari, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-08-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Imamganj P.S.Case No. 2/2016 registered for the offence
punishable under Sections 448, 323, 380, 436, 504 and 506/34 of
the Indian Penal Code.

The prosecution case as lodged by the informant is
that on 01.01.2016 at 10.30 P.M. when she was sleeping with her
sister-in-law in her house in the meantime the petitioner alongwith
other accused persons entered into the house of the informant
through roof of the informant's house and asked about Srikant
and Rajnikant and they assaulted her and stolen golden bali,
chain, silver payal, Mangtika and mangal sutra and twenty six

thousand rupees from Godrej Almirah and also threatened to set the house on fire.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case, due to land dispute of his mother-in-law, namely, Kalia Devi, filed against the informant's side for which his mother-in-law has lodged Imamganj P.S. Case No. 69/2012 and Complaint Case No. 500/2012 and Title suit is pending between both sides being Title Suit No. 82/2015 before the Munsif, Sherghati. He submits that no case under sections 380 and 436 of the Indian Penal Code is made out and just because he was witness in Complaint No. 500/2012 he has been falsely implicated.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since there is a civil dispute between the parties, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sherghati, Gaya in

connection with Imamganj P.S. Case No. 2/ 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



Sudha/-

(Nilu Agrawal, J)

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