

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35559 of 2016

Arising out of P.S. Case No. - 71 Year - 2016 Thana - OBRA District - AURANGABAD

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Vijay Kumar, Son of Harsh Narayan Ram, Resident of Village - Kera, P.S. -
Daudnagar, District Aurangabad

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sudha Chandra, Advocate

For the Opposite Party : Mr. Abhay Kumar Roy, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
15.05.2016 in connection with Obra P.S. Case No. 71 of 2016 for
the offences instituted under Sections 363, 364 and 379/34 of the
Indian Penal Code.

The prosecution story, in brief, is that the informant
works of filling soil by JCB and tractor. On 14.05.2016 at 10:00
one Nirbhay Kumar called on his mobile and said that he has to do
work of filling earth in village Sihuri. When the informant reached
there he saw that two Scorpio vehicles were standing there and
some persons named in the FIR were also present there. One of
them told him to meet with Up-pramukh. The informant went to
Up-pramukh and asked him as to where is the place for filling. It

is alleged that in the meantime, four persons started quarreling with the informant and assaulted him. They forced the informant to sit in the Scorpio and took the mobile and golden chain worth Rs.60,000/- along with cash Rs.50,000/- on the point of pistol. At the same time the brother of the informant informed the police. The Up-pramukh escaped from there and other miscreants also tried to escape, but three were apprehended by the police.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.05.2016 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of the witnesses alleged against the petitioner. Petitioner has falsely been implicated in the present case. There is admitted land dispute between the parties. For the said reason a false case was instituted against the co-accused Dharmendra Kumar including the petitioner and others. Co-accused Dharmendra Kumar @ Guddu Kumar @ Guddu has been granted bail by a co-ordinate Bench of this Court vide order dated 29.09.2016 passed in Cr. Misc. No. 40832 of 2016.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Obra P.S. Case No. 71 of 2016.

(Sudhir Singh, J.)

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