

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19403 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -KUMARKHAND District- MADHEPURA

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Md. Sikandar @ Md. Sikandar Alam @ Md. Sikandra Son of Lliyas Alam
Resident of Saharsa Basti, P.S. Saharsa, District Saharsa presently residing
at village- Amha, Ward No.9, P.S. Kumar, Khand (Belari O.P.) , District
Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Pushpa Sinha 2 (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 19-05-2016 Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out
of Kumarkhand (Belari O.P.) P.S.Case No. 35/2016, disclosing
offences under sections 457 and 380 of the Indian Penal Code.

It is alleged in the First Information Report that at 2.00
A.M. on 14.2.2016 miscreants entered into the house of the
informant and took away various articles mentioned in the F.I.R. It
is alleged that the informant saw the petitioner to be one of the
miscreants with the aid of torch. At 4.00 A.M., F.I.R. is said to
have been lodged and at 5.00 A.M., the police conducted raid in
the house of the petitioner.

Learned counsel, appearing on behalf of the petitioner,



has submitted that the petitioner and the informant are co-villagers and there is land dispute between the petitioner and the informant over purchase of land made by the petitioner. It has been submitted that the manner in which the petitioner has been implicated shows malice on the part of the prosecution. He has referred to the seizure list prepared after raid conducted in the house of the petitioner and has submitted that no stolen article was seized from the petitioner's house. It has also been submitted that the supervising officer has opined that lodging of the case to be an internal dispute between the petitioner and the informant.

Considering the facts and circumstances and the submission that the petitioner has no criminal antecedent, this application is allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six 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 S.D.J.M., Madhepura in Kumarkhand (Belari O.P.) P.S.Case No. 35/2016, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/ court, as the case may be, as and

when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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