

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11410 of 2017

Arising Out of PS.Case No. -154 Year- 2016 Thana -BARBIGHA District- SEKHPURA

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Prabhat Kumar, son of Late Chintaman Ram, resident of mohalla -
Dharmshala Road, P.S. - Barbigha, District - Sheikhpura.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dr. Anjani Pd. Singh, Advocate

For the Opposite Party : Mr. Manoj Kumar – 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 01-05-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Barbigha (Mision O.P.) P.S. Case No. 154 of 2016, registered
for the offences punishable under Sections 457, 380, 341, 323, 504
of the Indian Penal Code.

Allegedly, in absence of the informant 90 bags of
Masoor and Motor of 10 H.P. were taken away by the petitioner
who is own brother of the informant and when the informant asked
the petitioner, the petitioner pointed pistol upon him and assaulted
the son and nephew of the informant.

Submission is of false implication and that both the
informant and the petitioner are own brothers, due to partition



dispute this case has been lodged, there is case and counter case and the case of the petitioner is earlier, the petitioner is a law abiding citizen, he has got no criminal antecedent and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that during investigation witnesses have supported the hands of the petitioner in taking away *Masoor* and motor of 10 H.P.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Barbiga (Mission O.P.) P.S. Case No. 154 of 2016, pending in the Court of learned A.C.J.M. -II, Sheikhpura.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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