

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21996 of 2017

Arising Out of PS.Case No. -131 Year- 2016 Thana -KHODABANDPUR District- BEGUSARAI

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Naresh Prasad Singh Son of Late Upendra Prasad Singh, Resident of
village- Nayanagar, P.S.- Hasanpur, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocat
Mr. Shailendra Kumar

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 01-07-2017 Heard learned Sr. Counsel for the petitioner and learned
APP representing the State.

Supplementary affidavit has been filed on behalf of the
petitioner annexing the copy of plaint of Title Suit No. 31 of 2000,
copy of order dated 24.07.2001 passed by the learned Sub-Judge
III, Begusarai in the aforesaid Title Suit and copy of Aadhar Card
showing the age of the petitioner.

Petitioner apprehends his arrest in connection with
Khodabandpur(Chhaurahi O.P.) P.S. Case No. 131 of 2016
registered for the offences punishable under Sections 147, 148,
149, 302 of the Indian Penal Code and Section 27 of the Arms
Act.

In the first information report the petitioner and co-
accused Ram Swaroop Yadav have been implicated as an order



giver.

Submission is of false implication and that the petitioner has been implicated due to land dispute. The petitioner has filed Title Suit No. 31 of 2000 against Arun Kumar, Ram Suresh Yadav and Fullo Yadav the full brother of the informant of this case wherein vide order dated 24.08.2001 the injunction petition was allowed and defendants 2nd and 3rd party were restrained from taking earth or giving ditch or making any other attempt to damage or make unfit to the land mentioned in Schedule I of the plaint, the petitioner is aged about 84 years and is of different caste than other co-accused but due to land dispute he has been implicated in this case and as such he deserves sympathetic consideration.

Learned APP after going through the supplementary affidavit submits that against Fulo Yadav who is the own brother of the informant injunction order has been passed.

In the facts and circumstances stated above, the petitioner above named, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Manjhaul (Begusarai)



in connection with Khodawandpur P.S. (Chhaurahi O.P.) P.S.
Case No. 131 of 2016, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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