

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22487 of 2017

Arising Out of PS.Case No. -512 Year- 2016 Thana -BODHGAYA District- GAYA

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Anil Singh, Son of Jagdeep Singh, Resident of Village- Dema, Fatehpur,
P.S.- Khizarsarai, District- Gaya at present Residing at Mohalla-
Sidharthpuri, Manpur, P.S.- Manpur, District- Gaya.

.... Petitioner/s

Versus
The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar
For the Opposite Party/s : Mr. Sri Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-07-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Bodh Gaya P.S. Case No. 512 of 2016 registered for the offences
punishable under Sections 147, 148, 149, 341, 457, 380, 387, 506
of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that earlier
the case was filed by Brij Nandan Singh, the owner of Brij Nandan
Automobiles, bearing Bodh Gaya P.S. Case No. 95 of 2016 for the
offences punishable under Sections 147, 148, 149, 447, 341, 323,
379 and 506 of the Indian Penal Code wherein the petitioner has
already been allowed pre-arrest bail vide A.B.P. No. 1182 of 2016



by the then learned Sessions Judge, Gaya vide annexue-2 and thereafter, this case has been filed by the Manager of Brij Nandan Automobiles for the same offence. Two parallel criminal cases have been filed only with a view to harass the petitioner and others due to land dispute in between the parties. The informant of the earlier case is the shareholder of the co-accused, Rahul Singh and the suit was also contested between the parties vide Partition Suit No. 43 of 76 in which final decree was also prepared, a proceeding under Section 144 C.P.C. was also initiated between the parties due to land dispute, the allegation of theft is supper addition and as such, the petitioner deserves sympathetic consideration as for the same offence, the petitioner cannot be harassed twice. Similarly situated co-accused, Sanjay Kumar Singh @ Sanjay Singh and Rahul @ Munna have been allowed pre-arrest bail in Cr. Misc. No. 22176 of 2017 vide order dated 19.06.2017 by this Court.

Learned A.P.P. after going through Annexure-2 and another annexure fairly submits that earlier the petitioner has been allowed pre-arrest bail and there is land dispute between the parties.

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, is directed to be released on bail on execution of bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Bodh Gaya P.S. Case No. 512 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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