

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56809 of 2017

Arising Out of PS.Case No. -170 Year- 1998 Thana -HASANPUR District- SAMASTIPUR

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Bharat Mukhiya Son of Late Lakhan Mukhiya resident of village - Sardahi,
P.S. - Allouli, District - Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagdhar Prasad

For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 12-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with
Hasanpur (Bithan) P.S. Case No. 170 of 1998 instituted for the
offences under Sections 364A, 379 of the Indian Penal Code.

The allegation in the F.I.R is that about 10-12
persons came into the village and out of the aforesaid persons,
about 6-7 of them entered the house of the informant and took
away his son viz. Arvind Kumar. The miscreants, while leaving
the village also took away the cattle belonging to the informant.

Learned counsel for the petitioner has submitted
that though the petitioner has been named along with other
accused persons of this case but nothing specific has been alleged
against him. He has further drawn the attention of this Court to
para 17 of the case diary which indicates that shortly after lodging



of the F.I.R, the cattle was returned and Arvind Kumar, son of the informant also came back home. The present case, it has been argued, was lodged because of village enmity and rivalry between the two groups. It has also been stated that because of his poverty, the petitioner had gone out of the village to earn his livelihood and since did not have any idea about the lodging of the present case or continuing of investigation against him, he was declared an absconder.

The petitioner is in custody since 05.06.2017 and almost all the named accused persons of this case have been granted bail.

Taking into account the aforesaid facts, this Court is inclined to grant bail to the petitioner.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Rosera, Samastipur in connection with Hasanpur (Bithan) P.S. Case No. 170 of 1998.

(Ashutosh Kumar, J)

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