

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21100 of 2018

Arising Out of PS.Case No. -237 Year- 2017 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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Manoj Kushwaha Son of Chetan Prasad R/o Vill Lohargawan, P.S.
Madhuban , Distt. E. Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Dr. Indihar Kumari

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

2 26-04-2018 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Madhuban P.S. Case No. 237 of 2017 for the offences punishable under sections 399, 402 and 120 (B) of the I.P.C and sections 25 (1-B) a, 26 and 35 of the Arms Act.

The petitioner is not named in the FIR but during investigation co-accused Lalbabu Bhagat in his confessional statement stated the name of the petitioner which is evident from the impugned order itself.

Submission is of false implication and that nothing has



been recovered from his possession, there is enmity with Lalbabu Bhagat and so Lalbabu Bhagat has given the name of the petitioner, Lalbabu Bhagat has encroached public road of the village and the villagers have filed a petition before the Circle Officer for removal of the encroachment, whereas, the petitioner was also active and a writ petition bearing C.W.J.C. No. 6543 of 2012 has also been filed for removal of the encroachment, Lalbabu Bhagat is also an accused in Chakiya P.S. Case No. 184 of 2010 for murdering his wife and the petitioner is cooperating the in-laws family of Lalbabu Bhagat, Lalbabu Bhagata was accused in Madhuban P.S. Case No. 121 of 2012 and the petitioner is seizure list witness in that case, the petitioner has got no criminal antecedent and as such he deserves sympathetic consideration.

The learned A.P.P. fairly submits that the name of the petitioner has come in the confessional statement of co-accused Lalbabu Bhagat.

In the facts and circumstances stated above, the petitioner, in case of his arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall 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 A.C.J.M-IV, Motihari, East Champaran in



connection with the aforementioned case, subject to the conditions
as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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