

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51193 of 2017

Arising Out of PS.Case No. -102 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Mukesh Kumar Maharaj @ Mukesh Maharaj, Son of Amol Maharaj,
Resident of Village-Sangi, Police Station-Phulparas, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Chandra Deo Maharaj, son of late Uttam Maharaj, r/o Mohalla
Chitragupt Nagar, Pokhariya, Ward No. 39, Police Station Begusarai
Town, Distt. Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-01-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Begusarai**
Town P.S. Case No. 102 of 2016 arising out of Complaint Case
No. 560 of 2016 instituted for the offence under Sections 364, 365
and 368 of the Indian Penal Code.

It is alleged in the written report that on 31.12.2015 at
11:30 a.m. the accused persons came at the residence of the
informant and when the informant came to his residence from his
office at 6:30 p.m., he learnt from his family members that
accused persons have taken away his son and daughter-in-law to
produce in the court of learned Judicial Magistrate, on 4.1.2016,
and also to provide job to son of the informant. It is further alleged



that on 4.1.2016 the informant went to appear in the court of learned Sub Divisional Judicial Magistrate, Jhanjharpur, and enquired about his son, but he could not meet with his son. On next date, all the persons came but the son of the informant did not return. It is also alleged that on 19.12.2016 the informant went to the court of learned Sub Divisional Judicial Magistrate, Jhanjharpur, and on that date also his son Kanhaiya Maharaj did not come in the court. It is alleged that since 6.1.2016, the informant is unable to contact with his son Kanhaiya Maharaj.

Learned counsel for the petitioner has submitted that from Annexure- 3 which is certified copy of the order dated 4.1.2016 of the court below, it appears that Kanhaiya Maharaj was present in the court of learned Sub Divisional Judicial Magistrate, Jhanjharpur on 4.1.2016. Annexure-4 is the copy of Hazri filed on behalf of Kanhaiya Maharaj in the court of learned Sub Divisional Judicial Magistrate, Jhanjharpur, on 4.1.2016. Learned counsel for the petitioner has further submitted that the instant case has been filed by the informant who is father-in-law of the sister of this petitioner, as a counter blast, when sister of this petitioner who is daughter-in-law of the informant has filed complaint case in the court of learned Chief Judicial Magistrate, Jhanjharpur, vide Complaint Case No. 490 of 2013 on 15.6.2013 for the offence



under Sections 323, 379, 498A of the Indian Penal Code and Sections 34 of Dowry Prohibition Act. The instant case has been filed by the informant as counter blast in the year 2016.

Learned counsel for the opposite party No. 2 has appeared and submitted that Kanhaiya Maharaj is at present living with the informant.

Considering the facts and circumstances of the case, the provisional anticipatory bail granted to the petitioner vide order dated 17.11.2017 passed by a coordinate Bench of this Court in Begusarai Town P.S. Case No. 102 of 2016 arising out of Complaint Case No. 560 of 2016 is hereby confirmed.

The application stands allowed.

The petitioner may continue on the same bail bonds submitted in the court below.

(Sanjay Priya, J)

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