

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46573 of 2019

Arising Out of PS. Case No.-4 Year-2018 Thana- MADHUBAN District- East Champaran

AWADHESH RAY @ AVDESH RAY S/o Jai Narayan Rai R/o village-
Jogauliya, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Madhuban Police Station Case No. 04 of 2018, disclosing offences under Sections 341/323/420/406/379/354/504/506/448/386/34 of the Indian Penal Code.

The allegation against the petitioner, on the basis of the written report of one Manoj Singh, is that 03 kathas of land was settled by the Government in the name of the informant's uncle, Janak Singh, in which the house of his uncle is situated and the informant is also living there as caretaker. Further allegation is that the accused persons, in order to grab half of the aforesaid land, has taken the signature of his uncle on blank papers and they used to say that they have registered the land in



their favour and the accused persons demanded Rs. 2,00,000/- to return the said land.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case, having no specific allegation levelled against him in the First Information Report. He further submits that the petitioner as well as the informant are neighbours and there is dispute of boundary wall and chajja between them and the informant has lodged this false case in order to settle the dispute of the boundary wall and chajja.

After having heard learned Counsel for the parties and taking into consideration the fact that there is no specific allegation against the petitioner and the allegation is general and omnibus in nature and the parties are neighbours, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Awadhesh Ray @ Avdesh Ray, in the event of his arrest or surrender before the Court below within four weeks, 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 learned 4th Additional Chief Judicial Magistrate, East Champaran, at Motihari, in connection with



Madhuban Police Station Case No. 04 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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