

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64238 of 2019

Arising Out of PS. Case No.-229 Year-2018 Thana- PHULWARIYA District- Gopalganj
=====

1. RAJ KUMAR MANJHI Son of Late Briksha Manjhi Resident of Village- Turkaha, P.O. and P.S.- Phulwariya, District- Gopalganj.
2. Brij Kishore Nonia Son of Budh Ram Nonia Resident of Village- Turkaha, P.O. and P.S.- Phulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi
For the Opposite Party/s : Mr.Ram Naresh Ray
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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 07-11-2019 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners seeks bail in connection with

Phulwaria P.S. Case No. 229 of 2018 for the offence under

Sections 323, 364, 386, 420, 467, 468 and 465/34 of the

Indian Penal Code.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has not committed any offence. In fact, the

F.I.R. has been lodged after lapse of one month and 19 days

from the date of occurrence without explaining the plausible

delay which creates doubt over the prosecution version.



Moreover, the parties are in inimical terms due to land dispute and on account of the said dispute, this false case has been lodged only to harass the petitioners. The victim in his statement recorded under Section 164 Cr.P.C. has clearly stated that he went to Delhi and lived there for 15 days and no one has kidnapped him, which is evident from Annexure-3. The petitioners are rotting in custody since 28.05.2019.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIII, Gopalganj in connection with Phulwaria P.S. Case No. 229 of 2018.

(Arvind Srivastava, J)

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