

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29526 of 2014

Arising Out of PS.Case No. -743 Year- 2013 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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1. Vijay Kumar Keshari, Son of Late Sarju Prasad Keshari
2. Praveen Kumar Keshari, Son of Vijay Kumar Keshari
3. Sudhir Kumar Keshari, Son of Vijay Kumar Keshari
4. Munna Kumar, Son of Late Siyaram Choudhary
All are residents of Mohalla Durgapur Gaushala, P.S. Sohaya, District
Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shyam Sunder Kumar, S/o Late Raj Kr. Gupta, R/o Thakurbari, P.S. &
Distt.-Jehanabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No.1, A.P.P.

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

4 12-01-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners, apprehending their arrest in connection
with Complaint Case No. 743 of 2013 registered for the offences
punishable under Sections 363 and 384/34 of the Indian Penal
Code, seek the privilege of pre-arrest bail.

Allegedly, the complainant was doing private job in
Barmy Agro Marketing Private Company where the petitioner no.
1 used to purchase fertilizers and in that way the complainant
came in contact of the petitioner. The complainant came after



taking leave to his house situated at Jehanabad and the petitioner no. 1 after making plan came at his house at Jehanabad and requested to go to Katihar and then with Nano vehicle No. BR-10M- 1941 came at Gaya Patna Road where the petitioner no. 2 and 4 gave signal to stop the vehicle and they also boarded the vehicle and as soon as they proceeded, the petitioner no. 2 administered some liquid in the nose of the complainant and he became senseless and thereafter they took away the complainant and vehicle at Katihar where on stamp paper signature was taken forcibly and further they snatched the key of the vehicle.

Submission is that as a matter of fact the case has been lodged after much delay. The occurrence is of 03.11.2012 whereas after long lapse of time the case has been lodged. There is contradiction in the legal notice and the complaint petition. As a matter of fact, the complainant has sold the vehicle and for that agreement has been executed. The complainant has received amount of Rs. 1,07,000/- and then only with a view to harass the petitioners has lodged this case.

The learned counsel for the complainant opposes the prayer of bail by submitting that signature was obtained forcibly on the stamp paper and on such stamp paper no vehicle can be sold. There is no affidavit and vehicle in question is also not

traceable.

Considering the submissions urged at the bar, going through the record and noticing that there is claim and counter claim and as such the petitioners, in case of their arrest or surrender within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Complaint Case No. 743 of 2013, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Jitendra Mohan Sharma, J.)

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