

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26403 of 2015

Arising Out of PS.Case No. -1248 Year- 2002 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Sukdeo Ram Son of Late Ramdhyan Hazra, Manager (Paid Manager),
Village- Ijra, P.S.- Govindganj, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shangu Ram Son of Late Rakat Ram Resident of Village- Chandi
Asthan , P.S.- Govindganj, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav
For the Opposite Party/s : Mr. S.M.Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 420, 409, 384 and 323 of the Indian
Penal Code.

The prosecution case, in short, is that the complainant
was in need of fertilizer. On this the petitioner and other co-
accused suggested the complainant that he could take fertilizer
from the Central Co-operative Bank, Branch Areraj. The
complainant received fertilizer of worth Rs.1187/-, for which the
complainant paid Rs.300/-. After some time the complainant
received Identity Card-cum-Loan Pass Book on which Rs.1187.60



and Rs.1800/- was mentioned. The Complainant deposited Rs.1200/- on different dates till 30.4.1997 and obtained receipts. On 4.6.1999 the petitioner along with co-accused and constable apprehended/arrested the complainant and detained him in Central Co-operative Bank, Motihari for three days and after taking Rs.11,603/- relieved the complainant. The further case is that on 8.7.2002 the petitioner along with co-accused had visited the home of the complainant and demanded money and threatened that if he would not deposit money then he would go again to Jail. On 10.7.2002 when the complainant had gone to Central Co-operative Bank, Areraj Branch he was assaulted and the accused persons demanded an amount of Rs.20,000/- from him.

On behalf of the petitioner, it is submitted that the petitioner has been made an accused on account of mistake of fact. It is further submitted that the petitioner is ready to deposit an amount of Rs.5,000/- in the court below, which shall be subject to the final disposal of the case. It is also submitted that the petitioner has got no criminal antecedent.

On behalf of the State, it is submitted that the petitioner is named in the complaint petition.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs.5,000/- in

the court below, which shall be subject to the final disposal of the case.

Let the above named petitioner, in the event of his arrest/surrender in the court below within a period of four weeks from today, 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 S.D.J.M., Sadar Motihari, East Champaran in connection with Trial No.502/2013//663/2014, arising out of Complaint Case No.C-1248 of 2002, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sudhir Singh, J)

V.P.Sinha/-

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