

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49295 of 2014

Arising Out of PS.Case No. -818 Year- 2014 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. Shailendra Yadav, S/O Sri Shiv Prasad Rai, resident of House No.544, East Nehru Nagar, Road No.29,P.S-Patliputra in the town and District of Patna
 2. Jai Prakash Yadav, S/O Late Ram Bachan Rai, resident of House No.539, Nehru Nagar,P.S-Patliputra in the town and District of Patna

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Abhishek Anand, Advocate
For the Opposite Party : Mr. Hirday Prasad Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 14-05-2015 Heard learned counsel for the petitioners and the learned counsel for the State.

The petitioners are apprehending their arrest in connection with Hajipur Town P.S. Case No.818 of 2014 for allegedly having committed the offences under Sections 447, 448, 384, 379, 365, 342 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that Petitioner No.1 is an employee of the Company in which the informant also works. It appears from the First Information Report that Petitioner No.1 was having some disputes with regard to payments to the tune of Rs.6,00,000/- between himself and the owner of the Company, namely, G.S. Choudhary. So far



as the informant is concerned, he has been merely used as tool to falsely implicate Petitioner No.1 and also Petitioner No.2 for reasons best known to him and only to preclude him from further raising demand for payment of his dues. Learned counsel for the petitioners further submits that though it is stated in the F.I.R. that the informant escaped on 19.9.2014 from the clutches of these two petitioners, it is not known why he did not rush to the Nehru Nagar Police Station to lodge the F.I.R. but filed the F.I.R. at Hajipur Town Police Station after lapse of two days i.e., on 21.9.2014. Learned counsel for the petitioners submits that the petitioners have been falsely implicated only because of the demand raised by them and there is no other reason why they should be implicated in the present case.

Considering the aforementioned submissions and also because of the fact that no plausible explanation has been offered for the delay in filing the F.I.R., which apparently appears to be an afterthought and after much deliberations, let both the above named petitioners, in the event of their arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing 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, Vaishali at Hajipur, in connection with Hajipur Town P.S.Case No.818 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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