

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45915 of 2014

Arising Out of PS.Case No. -168 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Kiran Tiwari, Daughter of Awadheshnath Tiwari
 2. Brijeshnath Tiwari alias Sonu @ Brijesh Tiwari Son of Om Prakashnath Tiwari, Both Resident of Chitakhall, P.S. - Guthani , District - Siwan at present resident of Village - Harnatand P.S. Laukaria, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Dashrath Mehta (APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 19-05-2015 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Tr. No. 5113 of 2014 arising out of Complaint Case No. C 168 of 2012 registered under Sections 420 and 406 of the Indian Penal Code.

The allegation against the petitioner no.1, Kiran Tiwari, Secretary of the N.G.O. namely, Tharu Vikas Pahal, is that she convinced to the complainant, Jainendra Prasad Mahto, President of the said N.G.O., to withdraw Rs. 6,63,000/- from the Bank and accordingly, the said amount was withdrawn and

thereafter, she deposited Rs. 5,63,000/- in her account and rest Rs. 1,00,000/- deposited in the account of the complainant. Later on, when the complainant asked to pay the remuneration to the labourers, petitioner no.1 refused to pay the amount and did not ready to withdraw the amount.

Learned counsel appearing on behalf of the petitioners submits that it would appear from the complaint petition itself that there is no allegation against the petitioner no.2 and he has been implicated in this case being cousin of the petitioner no.1. It is further submitted that earlier petitioner no.1 has lodged Laukaria P.S. Case No.38 of 2011 under Section 406 and 420 of the I.P.C. against the complainant, Jainendra Prasad Mahto, in which the Police after investigation submitted the charge sheet. Simultaneously, the complainant also got filed a case against the petitioner no.1 through witness Ranjita Rai as Laurkia P.S. Case No. 50 of 2011, in which the Police after investigation, submitted the final form finding the case true. Thereafter, the present case has been lodged by the complainant only to put undue pressure.

Having considered the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within

a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Bagaha, West Champaran in connection with Tr. No. 5113 of 2014 arising out of Complaint Case No. C 168 of 2012 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J.)

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