

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37022 of 2015

Arising Out of PS.Case No. -15180 Year- 2014 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Mukesh Kumar Singh @ Mukesh Kumar son of Ram Anuj Pd. Singh R/o
village- Manjhaul, P.S.- Cheria Bariyarpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunil Anand son of Parmanand Prasad Rastogi, r/o village- Choti Balia
Bazar, P.S.- Balia, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap
For the State : Mr. Umesh Lal Verma Singh(App)
For the informant : Mr. Manoj Kumar Singh & Mr. Dilip Kumar
Ray

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 21-12-2015 Heard learned Counsel for the petitioner, learned
Counsel for O.P. No. 2, and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 15180 C of 2014 for offences punishable under
Sections 392 and 323 of the Indian Penal Code.

Learned Counsel for the petitioner submits that out and
out, the first allegation has been levelled against him only on
account of business rivalry. It is submitted that both the petitioner
and O.P. No. 2 are agents of Parle-G biscuits, which are said to have
been loaded on a truck. It has further been submitted that the present
complaint case was lodged after a lapse of four days and there is no
statement by the complainant that they had gone to the Police and

Police had denied to register any case against them. No plausible explanation has also been offered with regard to delay in filing the FIR. He further submits that the plea is also a mass of contradictions and that even the place from which the biscuits have been loaded and the challan which would have shown the amount of biscuits so loaded and also the place to which it would have to reach, can be indicated but the same has also not come in the complaint petition.

Considering the vagueness of the allegations made and that no clear-cut allegation has been made and the key Person Surendra Shah has also not been made witness in the present case, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Santosh Kumar, Judicial Magistrate 1st Class, Begusarai in connection with Complaint Case No. 15180 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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