

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8997 of 2015

Arising Out of PS.Case No. -932 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Ram Hulas Ram Son of Late Shekhi Ram
 2. Vijay Ram Son of Late Ram Hulas Ram Both Resident of village - Manguraha, P.S. Govindganj, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Nand Kishore Kumar S/o Ram Aup Ram Resident of village - Manguraha, P.S. Govindganj, District - East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 16-07-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners apprehend their arrest in connection with Complaint Case No. C-932 of 2014 in which cognizance has been taken under Sections 406, 387, 504 and 506 of the Indian Penal Code.

Allegedly, the complainant gave rupees five lakh to the petitioners on the basis of compromise entered into between Reshma Pravin and her husband and it was agreed that after disposal of matrimonial case rupees two lakh would be given to Reshma Pravin and after disposal of Trial No. 2033 of 2014 rest



amount of rupees three lakh would be given to Reshma Pravin. The petitioners after disposal of matrimonial case gave rupees two lakh to Reshma Pravin and to compromise Trial No. 2033 of 2014 and when Reshma Pravin demanded money, the petitioners refused and then she started adducing evidence in the case against the accused persons and further the petitioners started giving colour of communal dispute.

Submission is of false implication and that no amount was taken by the petitioners, there is no chit of paper to show that the petitioners have received the amount. The petitioner no. 1 is witness in Trial No. 2033 of 2014 and to put pressure this false case has been lodged and, as such, the petitioners deserve sympathetic consideration to which the learned APP duly assisted by learned counsel for opposite party no. 2 opposes the prayer of pre arrest bail by submitting that Reshma Pravin has also stated that rupees five lakh was deposited by the complainant to the petitioners and out of which only rupees two lakh has been paid to her.

In the facts and circumstances stated above, considering that there is nothing on the record to show regarding payment of the alleged amount to the petitioners, petitioner no. 1 is the witness in the aforesaid trial, the petitioners above named, in

case of their surrender or arrest 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 Sub-Divisional Judicial Magistrate, Sadar, Motihari in connection with Complaint Case No. C 932 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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