

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57161 of 2015

Arising Out of PS.Case No. -2556 Year- 2010 Thana -PURNIA COMPLAINT CASE District-
PURNIA

- =====
1. Pankaj Mishra @ Pankaj Kumar Mishra, Son of Late Dinesh Mishra,
 2. Niraj Mishra, Son of Late Dinesh Mishra,
 3. Prakash Mishra, Son of Khagesh Mishra,
 4. Deepak Mishra, Son of Khagesh Mishra,
- All resident of Village- Ekamba, P.S.- Jalalgarh, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. Chitragat Tiwari S/o Late Narayan Tiwari R/o Village- Ekamba, P.S.-
Jalalgarh, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary

For the Opposite Party/s : Mr. Hirday Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2015 Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending their arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 364 of the Indian Penal Code.

The prosecution case is that on 17.02.2009 at 9.00 A.M. while the complainant, Israfil Nadaf and others were going to Purnia, when Israfil nadaf was abducted by the petitioners, who was an eye witness of the murder of the brother of the informant, for which Jalalgarh P.S. Case No. 18 of 2009 was registered.



It is submitted by learned senior counsel for the petitioners that on conclusion of investigation the petitioners were not sent up for trial. Subsequently, Final Form was accepted and the matter proceeded on protest leading to order taking cognizance on 18.09.2013 under Sections 323, 306 of the Indian Penal Code. Due to non submission of the requisites by the complainant, the complaint got dismissed vide order dated 02.12.2013. The said order was challenged on 15.06.2014 when the learned Sessions Judge set aside the dismissal order vide order dated 06.02.2014 and thereafter the processes have been issued. It is further submitted that in the earlier case being Jalalgarh P.S. Case No. 18 of 2009, the petitioners were granted anticipatory bail vide Cr. Misc. No. 19121 of 2009 on 14th September, 2009, considering the fact that the dead body of the brother of the informant was found hanging with the tree, when suspicion in the background of enmity, the petitioners were roped in the present case.

Considering the fact that the accusation was not found true and petitioners were not sent up for trial on conclusion of investigation, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M., Ist Class, Purnea in connection

with Complaint Case No. 2556 of 2010, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Considering the criminal antecedent of the petitioners, the learned court below will be at liberty to cancel the bail bonds of the petitioners, if they substantially gets involved in some serious nature of the offence if they defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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