

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10897 of 2016

Arising Out of PS.Case No. -1947 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Upendra Bishwas @ Upendra Nath Bishwas Son of Late Fakir Chand Bishwas
 2. Arjun Bishwas Son of Late Fakir Chand Bishwas
 3. Satish Kumar Son of Upendra Bishwas @ Upendra Nath Bishwas
 4. Baidya Nand Bishwas @ Bidyanand Mandal Son of Thothai Bishwas
Serial No. 1 to 3 Resident of Village - Kocheli, P.S. - Dagarua, District-
Purnea, Serial No. 4 resident of Village - Bishantha, P.S. - Jalalgarh,
District - Patna

.... Petitioners

Versus

1. The State of Bihar
2. Ajay Kumar Son of Mahsh Lal Mandal Resident of Village - Kathaili,
P.S. Jalalgarh, District - Purnea

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Suresh Prasad Sah @ Baranwal, Advocate
For the Opposite Parties : Mr. Indu Bala Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-05-2016 A supplementary affidavit has been filed on behalf of the

petitioners, which is kept on record.

Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in
connection with Complaint Case No.1947 of 2012 for the offences
instituted under Sections 392, 323, 364, 511 and 307/34 of the
Indian Penal Code and 27 of the Arms Act.

The allegation in brief is that all the accused persons



collectively assaulted the complainant and forcibly dragged the sister of the complainant from motor cycle with intention to kidnap her but the complainant and Razzak anyhow get succeeded from the accused persons and co-accused Md. Salim fired on the complainant by his pistol and also snatched one watch of Rs.2,000/- from his possession.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. The present prosecution has been instituted on the basis of a protest-cum-complaint. The informant had filed a police case relating to the same occurrence where the police had submitted a final form against the petitioners and the same was accepted by the court below. Thereafter, a protest-cum-complaint was filed in the court below and on the basis of the same process has been issued against petitioners.

On behalf of the State, it has been submitted that in the earlier police case, police had submitted a final form and the present prosecution is based upon the protest-cum-complaint.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint

Case No. 1947 of 2012 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri Gautam Kumar Yadav, Judicial Magistrate, Ist Class, Purnea, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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