

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20345 of 2016

Arising Out of PS.Case No. -274 Year- 2015 Thana -RAJNAGAR District- MADHUBANI

Parbhash Kumar Mishra S/o Jaishankar Mishra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 448, 504, 364, 323, 307, 384 and 386 of the Indian Penal Code.

Prosecution case is that the informant was called by the petitioner on 18.10.2014 at 3 PM on the pretext that the police came to investigate the theft case lodged by the petitioner and thereafter the informant was assaulted and confined in a room when his brothers Nilambar Chaudhary and Ramdeo Chaudhary were informed and they reached there then he was being released. Thereafter, the informant was taken to Sadar Hospital Madhubani

for treatment and from where to DMCH, Darbhanga.

It is submitted by learned counsel for the petitioner that petitioner lodged Rajnagar P.S. Case No.175/2014 levelling accusation under section 379 of the Indian Penal Code against unknown since the Bolero vehicle of the petitioner was stolen from the door of the informant, who was working, at the relevant time, as a driver of the petitioner. But, subsequently, the petitioner came to know that the informant in connivance with others got the vehicle stolen. Hence, as a retaliatory measure the present case has been lodged. For the occurrence of 18.10.2014, the complaint was filed on 29.04.2014 which came to register as police case on 15.12.2015. Subsequently, the informant has retracted from initial version and has filed a petition to that effect before the learned court below, the same has been brought on record as annexure-3 to the petition. There is nothing on record to suggest that the informant has received any serious injuries.

Considering the delayed lodging of the case and the retracted version of the informant, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with

two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhubani, in connection with Rajnagar P.S. Case No.274/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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