

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28203 of 2016

Arising Out of PS.Case No. -1318 Year- 2013 Thana -COMPLAINT CASE District- SUPAUL

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Manoj Kumar Choudhary, son of Late Jagannath Choudhary, resident of
village Nawhatta, P.S. Nawahatta, District Saharsa

.... Petitioner

Versus

1. The State of Bihar
2. Birendra Choudhary, son of Late Sonelal Choudhary, resident of village
Tula Patti, P.S. Pipra, District Supaul

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

For the Opposite Party/s : Mr. Smt. Asha Devi

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 13-07-2016 Heard learned counsel for the petitioner and learned
Additional P.P. for the State.

The petitioner is apprehending his arrest in connection
with a complaint case under Sections 406, 420, 504 and 323/34 of
the Indian Penal Code.

The prosecution case is that the petitioner, being maternal
uncle of the complainant, established a brick kiln on the land of
the complainant and on oral agreement procured signature of the
complainant on a blank stamp paper and gave assurance that one
fourth of the profit will be given to the complainant. The total
profit share of the complainant accrued to the tune of
Rs.5,10,000/-.

It is submitted by learned for the petitioner that there is

nothing in the complaint case to suggest that the petitioner agreed to make payment of one fourth of the profit to the complainant. It is further submitted that the petitioner at the earlier point of time on 27.11.2013 filed Pipra P.S.Case No. 250/13 against the complainant with accusation under Sections 341, 323, 379, 504 and 506 of the IPC, whereas the present complaint was filed on 2.12.2013.

Considering the background of the case and the dispute being civil in nature, let the above named petitioner be released on anticipatory bail, in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Sunil Kumar, Judicial Magistrate, Supaul, in connection with Complaint Case No. 1318c/2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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