

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35605 of 2016

Arising Out of PS.Case No. -2200 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Madan Mohan Singh, son of late Madhusudan Pd. Singh, resident of village Jarang Rampur P.S. & Distt. Vaishali At present Moh. Gannipur Mishra tola, P.S. Kazimohammadpur Distt. Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Hemant Kumar son of Mahesh Prasad Singh, R/o vill Jarang Rampur P.S. Vaishali, Distt. Vaishali at present Moh. Jagdishpuri P.S- Mithanpura, Distt. Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 31-08-2016 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 323, 384, 504 of the Indian Penal Code.

The prosecution case is that the accused persons came to the complainant on 15.08.2013 and asked the complainant to withdraw the case lodged by the complainant at earlier point of time being Mithanpura P.S. Case No. 212 of 2013, thereafter the accused persons got

signature of the complainant on paper on the threat of causing burn injury by acid and snatched S.I.M. Card of the mobile.

It is submitted by the learned counsel for the petitioner that accusation has been levelled in the background of Mithanpura P.S. Case No. 297 of 2012, lodged by the daughter-in-law of the petitioner against the complainant and the complainant also lodged Mithanapura P.S. Case No. 212 of 2013 against the daughter-in-law of the petitioner. There is nothing on record to suggest that any injury was caused to the complainant and the alleged document was any way misused by the petitioner. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

It appears that summons has been issued, but statement has been made in para-16 of the petition that N.B.W. has already been issued which reads as follows:-

“That, the petitioner has been a man of means. He has got his home and hearth in his village. There is no chance of absconding or tampering with the evidence. There is no chance of absconding back ground and there is apprehension of his arrestation by the police in this case as the summon was issued against the petitioner on 29.10.2015. Thereafterailable warrant was issued on 18.01.16 and vide order dt. 18.3.16 Non Bailable Warrant has been issued against the petitioner.”

Considering the nature of accusation in the

background of litigated relationship between the parties, let the above named petitioner be released on 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sri Amit Kumar Dixit, J.M., Ist Class, Muzaffarpur in connection with Complaint Case No. 2200 of 2013, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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