

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19951 of 2016

Arising Out of PS.Case No. -1836 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

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Manish Kumar Son of Kanhaiya Prasad Gupta, Resident of Mohalla- Nai Sadak, Ramsagar Talab, P.S.- Civil Lines, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Lalu Kumar, Son of Prayag Prajapat, Resident of village- Diha Bazar, P.S.- Belaganj, District- Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Ram Chandra Sahni(App)

For the Complainant : Mr.R.K.Sinha

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 04-08-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State assisted by the learned counsel for the complainant.

The petitioner is apprehending his arrest in Complaint case No.1836 of 2013 for the offence under Section 365 of the I.P.C.

Learned counsel for the petitioner submits that for the same set of occurrence, petitioner had also registered a case against the driver, brother of the informant in the present case. It is further submitted that the petitioner purchased new vehicle which was used as commercial vehicle. The brother of the informant had been called to supervise the same and drive the vehicle to and fro.



However, the said driver, namely, Binod Kumar, brother of the informant disappeared along with the new vehicle. Till date neither has the vehicle been recovered nor has the informant's brother been traced out. As such, the allegation against the petitioner is that he had made informant's brother accused who had disappeared after having called him to drive his vehicle is farfetched. Till date he is traceless with the new vehicle Tata Majic A.C. for which the petitioner cannot be held to be responsible responsible.

Learned counsel for the State submits that the brother of the complainant had been called away by the petitioner and since that date he has disappeared and though the complainant made several enquiries from the petitioner, but he could not give any satisfactory reply.

Considering the facts and circumstances and the fact that the brother of the complainant, Binod Kumar is traceless with the new vehicle Tata Magic A.C., let the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Gaya, in Complaint Case

No.1836/13 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

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