

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28344 of 2016

Arising Out of PS.Case No. -1289 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Sudhir Kumar Ambastha, Son of Shivnandan Prasad
2. Ravi Kumar @ Mantu Son of Sudhir Kumar Ambastha,
Both residents of Mohalla - Narayan Chuan, Mangala Gauri, Devi
Asthan, P.S. Civil Lines, District – Gaya Petitioners
Versus

1. The State of Bihar
2. Sunil Kumar Singh , Son of Sri Parmanand Singh, resident of village -
Chak Singar, P.S. Jurawanpur, District - Vaishali at present residing at
Mohalla - Mangala Gauri, P.S. Civil Lines, District - Gaya
.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 26-07-2016 Heard Sri Sudhir Kumar Singh, learned counsel for

the petitioners , Sri Uma Shankar Prasad Singh, learned Addl.

Public Prosecutor as well as Sri Devendra Kumar Pandey, learned

counsel, who has voluntarily appeared on behalf of the

complainant/Opp.Party no.2.

Two petitioners, apprehending their arrest in
Complaint Case no.1289 of 2014, in which learned Magistrate has
taken cognizance against the petitioners under Sections 323, 379,
504/34 of the Indian Penal Code, have prayed for grant of
anticipatory bail.

It was submitted by learned counsel for the
petitioners that in a civil dispute, a colour of criminal offence has

been given and on false accusation, a complaint petition was filed. It has been argued that the complainant himself has stated that he is a police officer. It has been argued that from the police, the accused can't dare to forcibly take out Rs.7000/- from his pocket.

Learned counsel for the complainant vehemently opposed the prayer for anticipatory bail of the petitioners. He submits that in the complaint petition itself, there is specific accusation against the petitioners.

Besides hearing learned counsel for the parties, I have also perused the complaint petition. After perusing the complaint petition, the Court is satisfied that it is a fit case for extending the privilege of anticipatory bail. Let both petitioners, namely, Sudhir Kumar Ambastha (ii) Ravi Kumar @ Mantu , in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/(ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Prakash Kumar Sinha, learned Judicial Magistrate, 1st Class, Gaya /concerned court in connection with Complaint Case no.1289 of 2014, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

NKS/-

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(Rakesh Kumar, J)