

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4881 of 2016

Arising Out of PS.Case No. -2963 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Bindeshwar Tiwary son of Late Yugeshwar Tiwary, resident of village-
Malpur, P.S.- Patepur, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Rabindra Nath Tiwary son of Rameshwar Tiwary, resident of Malpur,
P.S. Patepur, District- Vaishali

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Navin Kr.Panday(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2016 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 Section 436 of the Indian Penal Code.

The prosecution case is that nine accused persons including petitioner robbed articles worth Rs. 15 lakh. It is alleged against the petitioner that petitioner got the signature of the complainant on plain paper.

It is submitted by the learned counsel for the petitioner that for the occurrence of 03.09.2014 the complaint was filed on 04.09.2014. There is no substantive material on

record to suggest the reason for not lodging a police case. The accusation has been levelled in the background of land dispute between the parties. Section 144 Cr.P.C. proceeding was earlier initiated which was dropped. The S.A. of the complainant has been brought on record, wherein the complaint has stated that Kerosene Oil was brought by co-accused Mahendra Jha when the fire was lit by co-accused Niranjan.

Considering the S.A. of the complainant, where it is specifically alleged that fire was lit by Niranjan, 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 Sub-Divisional Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No. 2963 of 2014, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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