

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18555 of 2016

Arising Out of PS.Case No. -422 Year- 2015 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. RITU ABHISHEK Son of Late Binod Kumar Singh r/o Mohalla-
Vidyapati Nagar, PS Saharsa, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sudha Kumari wife of Akash Kumar r/o Village- Nepura, PS Silao,
District Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra
For the Opposite Party/s : Mr. P.K.Chaurasia(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 03-05-2016 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a complaint
case wherein process has been directed to be issued after
cognizance being taken under sections 147,342,354,380 and 504
of the Indian Penal Code.

The prosecution case is that 25-30 accused persons
variously armed entered into the house of the complainant. It is
alleged that the accused persons inquired about the husband of the
complainant and his brother in law. All the accused persons
abused by calling the caste name and misbehaved with the

complainant and other family members. The accused persons also took away cash and other articles from the house.

It is submitted by the learned counsel for the petitioner that the petitioner is Executive Engineer in the Electricity Supply Company and for the theft of electric energy case was lodged against the complainant side being Silao P.S. Case No. 54 of 2015 on 10.4.2015, thereafter as a retaliatory measure for the occurrence of 10.4.2015 the present complaint was filed on 15.4.2015 with frivolous accusation.

It is submitted by learned counsel for the complainant that the impugned order suggests that only summons have been issued.

Prima facie, it appears that as a retaliatory measure the present complaint has been filed with inordinate delay.

Since only summons have been issued, this court is not inclined to interfere in the matter but in view of this court, it is a case for consideration of the prayer for regular bail of the petitioner by the learned court below in view of the ration laid down in the case of Salim Ansare alias Md. Salim Ansare and Others Vs. The State of Bihar & Another reported in PLJR 2015(3) 806 in case the petitioner surrenders within six weeks from today in connection with Complaint Case No. 422C of 2015 pending in the

court of learned JM Ist Class, Nalanda at Biharsharif.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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