

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17870 of 2016

Arising Out of PS.Case No. -396 Year- 2011 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

- =====
1. Chandra Shekhar Mishra son of Late Sudhakar Mishra
 2. Baibhu @ Baihav Mishra @ Babhu Mishra @ Baibhav Mishra, Son of late Subodh Mishra, Both resident of village- Patuwaha, P.S.- Saharsa, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Siya Devi, W/o Sri Parmeshwari Yadav, resident of village- Baluaha, P.S. + District- Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016 Heard learned counsel for the petitioners, learned
counsel for the complainant and the learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Complaint Case No. 396C of 2011 registered for offences
punishable under Sections 147, 323, 379 and 380 of the Indian
Penal Code.

The prosecution case, in brief, is that complainant and
her husband were engaged by Accused No.1 to look after his
cultivation work on the pretext that they will execute a piece of
land and Accused No.1 has also took Rs. 1,80,000/- from the
complainant for executing the land, but neither he executed the

land in favour of the complainant nor returned the money. Accused persons also assaulted the complainant and her husband and looted away the house hold articles.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and have been falsely implicated by the complainant in the aforesaid case. In fact, three cases instituted by the complainant against the petitioners were investigated and final form was submitted and in those cases petitioners were not sent up for trial. He submits that there is civil dispute going on between the petitioners and the complainant's side, as such, the allegations made against them are false and frivolous.

However, learned counsel for the complainant submits that the complainant and her husband were engaged by the petitioners to look after their cultivation work and the petitioners on the false assurance of giving land have taken Rs. 1,80,000/- from the complainant and her husband.

However, learned A.P.P. for the State submits that the petitioners are named in the complaint petition, hence, opposes the prayer for bail.

Considering the fact and circumstances of the case and also the fact that cognizance has been taken against the

petitioners, their prayer for anticipatory bail is rejected.

Let petitioners surrender in the Court of Chief Judicial Magistrate, Saharsa in connection with Complaint Case No. 396C of 2011 within six weeks from today and apply for regular bail, which should be considered by the learned Court below on its own merit in accordance with law preferably on the same day.

(Nilu Agrawal, J.)

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