

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33177 of 2016**

Arising Out of PS.Case No. -172 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT District-  
EASTCHAMPARAN(MOTIHARI)

- =====
1. Umesh Pathak son of Bindeshwari Pathak
  2. Raju Pathak @ Rajeev Ranjan Pathak @ Raju Ranjan Pathak, Son of Kamala Pathak, Both Residents of Village- Dumariya, Police Station- Dumariyaghat, District- East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Umesh Rai S/o Sri Satyanarayan Rai, R/o Vill Jai Singh Pur, Chiutahi, P.S- Turkaulia, District- East Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
ORAL ORDER

3      29-09-2016                      Heard both sides.

The petitioners apprehend their arrest in Complaint Case No. 172/2016, registered for the offences punishable under Sections 420, 323, 504 and 34 of the Indian Penal Code.

The complainant alleged that he purchased a tractor from Shashi Ranjan Pathak on payment of Rs. 2,75,000/-, but when the complainant perused the papers of the tractor, the papers were found suspicious. The complainant returned the tractor with

an agreement that the accused shall return the entire amount in two installments. The accused gave Rs. 50,000/- to the complainant, but they did not return the rest amount to the complainant, when the complainant demanded the rest amount the accused persons assaulted him.

It is submitted that the petitioners happens to be the brothers of Shashi Ranjan Pathak. They have falsely been implicated in this case. The complainant purchased the tractor from Shashi Ranjan Pathak. The petitioners did not receive any farthing nor execute the agreement to pay any money.

On the other hand learned counsel for the complainant vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the facts aforesaid and the nature of allegation made against the petitioners and the fact that the petitioners is not a party to the agreement between the complainant and Shashi Ranjan Pathak, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 Additional Chief Judicial Magistrate-Ist, East Champaran at Motihari in connection with Complaint Case No. 172/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

Vinita/-

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