

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9275 of 2016

Arising Out of PS.Case No. -164 Year- 2015 Thana -GAUNAHA District-
WESTCHAMPARAN(BETTIAH)

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1. Sunil Tiwari son of Shri Babban Tiwari
2. Pradeep Prasad @ Pradeep Kumar son of Shri Ramjee Sah
3. Chandrika Prasad Kushwaha @ Chandrika Kushwaha son of Shri Mohan Kushwaha All are residents of village - Pakari Bishauli, Police Station - Gaunaha, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Nand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 01-09-2016 Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 420, 406, 467, 468 and 471 of the Indian Penal Code.

The prosecution case is that the petitioners were working as ‘Munsi’ of the informant. The informant went to get himself medically treated at Delhi and handed over ₹30,00,000/- to the petitioners with instruction to send the money for his treatment but after sometime the petitioners stopped sending the money and on enquiry being made they suggested that all the money has been spent.



It is submitted by the learned counsel for the petitioners that the present case has been lodged since the petitioners demanded their remuneration. Petitioner no.1 Suil Tiwary filed a case before the Assistant Labour Commissioner, Bettiah against the informant for their wages whereas co-accused Raghav Verma filed Complaint Case No. 2059 of 2015 on 07.09.2015 against the informant and others before learned CJM, Bettiah levelling accusation under Sections 323, 342, 379, 504 and 506 of the IPC, hence, as a retaliatory measure, the present case has been lodged.

It is submitted by the learned counsel for the informant that the accused persons admittedly were working as 'Munsi' of the informant and the detail of accounting of the alleged money has been endorsed with their signature in the register. The case lodged by petitioner no.1 Sunil Tiwary under Minimum Wages Act has been dismissed whereas Compliant Case No. 2059 of 2015 is still pending for enquiry.

On the joint prayer of the parties, the matter was referred to the Mediation and Reconciliation Centre of Bihar State Legal Services Authority. The report of the mediator dated 16.04.2010 at flag-'M' reflects that the issue could not be resolved through the process of mediation.

Considering the nature of accusation, it is a case for

consideration of regular bail.

Let the learned court below consider the prayer for regular bail of the petitioners if they surrender within a period of six weeks in connection with Gaunaha P.S. Case No. 164 of 2015 pending in the court of learned JM, 1st Class, Bettiah, West Champaran.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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