

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47578 of 2016

Arising Out of PS.Case No. -304 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Jitendra Kumar Singh S/o Ram Singar Singh, R/o Village- Chanda, P.S.-
Athmalgola, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi W/o Devendra Rai, R/o Naya Tola Sabnima, P.S.-
Athmalgola, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajanan Mishra

For the Opposite Party/s : Mr. Sri Bharat Lal

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 13-04-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel for the

opposite party no.2.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Complaint Case No. 304
(C) of 2015 for the offences punishable under sections 323, 364
and 406 of the I.P.C.

On the basis of the complaint case this case has been
initiated, alleging therein, that the accused petitioner being owner
of the tractor has kept the husband of the informant as driver of the
said tractor on the monthly salary of Rs. 5,000/- but the petitioner



did not give salary of eight months. The husband of the complainant left the work for two days and then the petitioner and other 3-4 unknown came and abused and took away husband of the complainant and since then the husband of the complainant is traceless. The complainant gave information at the police station but no case was instituted and then the complaint case was filed.

Submission is of false implication and that the petitioner has lodged Bakhtiyarpur P.S. Case No. 91 of 2015 dated 25.04.2015 against the husband of the complainant as he became traceless with the tractor, during investigation the tractor was recovered but the driver is still absconding resulting warrant of arrest has been issued and he is being searched by the police, the police during investigation has found the case true and as such the petitioner deserves sympathetic consideration as the complaint case was lodged after much delay on 04.05.2015.

The learned A.P.P. duly assisted by the learned counsel for the opposite party no.2 opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner has committed serious offence. He has not given salary of eight months and further he made husband of the complainant traceless.

In the facts and circumstances as stated above, considering that the petitioner has lodged the case prior to filing of



the complaint case and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. Sri Deepak Kumar, J.M. 1st Class, Barh, Patna in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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