

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55827 of 2017

Arising Out of PS.Case No. -606 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Pabendra Shanker Choubey @ Pintu Choubey @ Pintu.
 2. Abhyendra Shankar Choubey @ Guddu @ Abhyanand Shanker Choubey @ Abhay Nand Shanker Choubey.
 3. Narayaneswar Shanker Choubey @ Prince.

Petitioner no. 1 to 3 are sons of Late Shaligram Choubey and all are Residents of Village- Bishnupur P.S. Imadpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Harendra Narayan Choubey son of Late Bansropan Choubey, Resident of Bihta Shivsakti Nagar, P.S. Bihta, District- Patna, original Resident of Village- Bishnupur, P.S. Imadpur, District Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 12-12-2017 Heard both sides.

The petitioners apprehend their arrest in Complaint Case No.606(c) of 2016 for the offences allegedly committed by the petitioners under Section 364(A) and 120B of the Indian Penal Code.

The learned counsel for the petitioners submits that Harendra Narayan Choubey, father of the victim made allegation against the petitioners that his son had gone with his vehicle but he did not return till 06.11.2012. During the course of investigation, it



transpired that the informant concealed his son and lodged a false case against his brother and sons of his brother, the petitioners. The police after investigation submitted final form finding the case false and recommending for action against the informant under Section 182 and 211 I.P.C. but the informant filed complaint case in the year 2016. The complaint was treated as protest petition and after inquiry under Section 202 of the Cr.P.C., the learned court below found prima facie case under Section 364(A) and other Sections of the I.P.C.

Considering the facts that on the accusation made by the informant against his brother and sons of his brother, the police found the case false but the informant again filed complaint which was treated as protest petition. The victim has already returned.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned 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 learned Additional Chief Judicial Magistrate 1st,



Danapur (Patna) in connection with Protest Complaint Case No.606(c)/2016 arising out of Bihta P.S. Case No.386 of 2012, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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