

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17073 of 2017

Arising Out of PS.Case No. -2066 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

=====

1. Gauri Mishra S/o Late Ram Balak Mishra
2. Rewati Mishra S/o Late Chanchal Mishra
3. Suwai Lal Mishra S/o Rewati Mishra All R/o Village- Madanpur, P.S.-
Chakmehsi, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raj Kumar Mishra, S/o Sachhidanand Prasad, R/o Village- Madanpur,
P.S.- Chakmehsi, District- Samastipur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Mr. Parmanand Prasad

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-06-2017 Heard the learned counsel for the petitioners and the

learned Additional P.P. for the State.

The petitioners seek anticipatory bail in connection
with T.R. No. 1179 of 2016 arising out of Complaint Case No.
2066 of 2015, registered for the offence punishable under Sections
323, 341, 364 and 504/34 of the Indian Penal Code.

The allegation is with regard to the petitioners and
other accused persons conspiring with a motive to kidnap the son
of the complainant namely, Rajendra Mishra.

The learned counsel for the petitioners has submitted
that on a mistaken belief the complainant had filed the complaint



stating that the petitioners and others had kidnapped the son of the complainant. However, on enquiry he came to know that his son was living at Delhi.

It has been submitted by the learned counsel for the petitioners that a land dispute is going on between the parties. The learned counsel for the petitioners has filed a supplementary affidavit, bringing on record copy of the compromise petition dated 04.04.2017, duly signed by the complainant, wherein it has been stated that the complainant subsequently got information, after filing of the complaint, that his son was living at Delhi, hence, the complaint petition should be dismissed. The said compromise petition is stated to have been filed before the learned trial court.

Having regard to the facts and circumstances of the case, I find that the instant case is fit for grant of anticipatory bail. However, it is made clear that in case the learned trial court, upon perusal of the record, finds that the aforesaid compromise petition is either not genuine or has not been filed before the learned trial court, the aforesaid privilege of grant of anticipatory bail will stand cancelled automatically.

Accordingly, in the event of their arrest or surrender in the Court below within a period of four weeks from today, let the



above named petitioners be enlarged on bail on furnishing bail-bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of the learned ACJM- 1st, Samastipur, in connection with T.R. No. 1179 of 2016 arising out of Complaint Case No. 2066 of 2015, subject to the conditions laid down under Section 438(2) Cr. P. C.

(Mohit Kumar Shah, J)

BTiwary/-

U		T	
---	--	---	--

