

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14343 of 2017

Arising Out of PS.Case No. -4300 Year- 2016 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

- =====
1. Manoj Patel, Son of Late Rajdhari Patel, Resident of Village- Tiwari Chapra, P.S.- Kateya, District- Gopalganj, presently residing at Bus Stand, Thawe Road, P.S.- Gopalganj, District- Gopalganj.
 2. Dr. Dhruvdev Mali, Son of Adalat Mali, Resident of Sawanhi Patti, Tola Dhumnagar, P.S.- Phulwariya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mukul Kumar Tiwary @ Dabalu Tiwary, Son of Bharat Tiwary, Resident of Village- Kotwa, P.S. and District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Adv.

For the Opposite Party No.1 : Dr. Ajeet Kumar, APP

For the Opposite Party No.2 : Mr. Anirudh Kumar Verma, Adv.

Mr. Vyas Kumar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 12-05-2017 A supplementary affidavit has been filed on behalf of the petitioners. Keep it on record.

Heard learned counsel for the petitioners, the learned A.P.P. representing the State and the learned counsel appearing for the complainant.

The petitioners apprehend their arrest in connection with Complaint Case No. 4300 of 2016, registered for the offences punishable under Sections 323, 504, 506, 386, 384/34 and 120B of the Indian Penal Code.



Allegedly, the petitioner no.2 after taking accused no.1 Inspector of Town P.S. Gopalganj in his influence, put pressure upon the complainant to execute sale deed, otherwise to implicate him in false case of demanding ransom and that Inspector assaulted the complainant on his back, leg and other parts of the body and further pointed revolver and took signature on two plain papers. That Inspector got lodged a case from petitioner no.2 bearing Town P.S. Case No. 265 of 2016 under Sections 384 and 386 of the Indian Penal Code and the complainant was arrested in that false case. The petitioner no.1 is also involved in that conspiracy.

Submission is of false implication and that dispute is of civil nature, no offence as alleged is made out against the petitioners, allegation as made in the complaint petition appears not reliable and probable. The petitioner no.2 has lodged a case earlier and due to retaliation, this false case has been filed. The complainant and his men are local 'rangdar' and they demanded ransom and as such the petitioners deserve sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the complainant opposes the prayer for anticipatory bail by submitting that the petitioner no.2 has filed a false case and got the



complainant arrested.

In the facts and circumstances, as stated above, considering the nature of dispute, as such, the petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Complaint Case No. 4300 of 2016, subject to the conditions as laid down in Section 438(2) of the Cr. P.C.

(Jitendra Mohan Sharma, J)

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