

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70934 of 2018

Arising Out of PS. Case No.-1112 Year-2014 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. SATISH MISHRA @ SATISH CHANDRA MISHRA, age about 50 years, Son of Late Krishnadev Mishra, Resident of Village- Kalyanpur, Tole- Saraiya, P.O.+P.S.- Vibhutipur, District- Samastipur.
 2. Madhav Kumar Mishra @ Madhav Mishra, age about 28 years, Son of Satish Mishra, Resident of Village- Kalyanpur, Tole- Saraiya, P.O.+P.S.- Vibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Vishnudev Jha, age about 60 years, Son of Ramdev Jha, Resident of Village- Mohammadpur Sakra, Tole- Saraiya, P.O.+P.S.- Vibhutipur, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan, Adv.
For the Opposite Party/s : Mr. Sri Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a complaint case, wherein, process has been directed to be issued after cognizance being taken for the offence punishable under Sections 392/34 of the Indian Penal Code.

The prosecution case got initiated on filing of complaint dated 08.12.2014 by the complainant Bisnudev Jha to the effect that on 06.12.2014 at 4.00 P.M., the complainant had gone to purchase a cow, but due to inflated cost it could not be purchased, after which the complainant began returning to his



house, but on the way, Rupees Forty Five Thousand was robbed on the point of pistol by the accused persons, including the petitioners.

It is submitted by learned counsel for the petitioners that in fact complainant is a contractor of a Transport Company at Delhi and he engaged the petitioner no.2 to work with him, but petitioner no.2 was not paid anything for six months when he demanded Rupees Twenty Five Thousand then, the present case has been lodged against the petitioner no.2 and his father, petitioner no.1. Moreover, for the occurrence of 06.12.2018, the complaint was filed on 08.12.2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that on submission of final form, process has been directed to be issued after cognizance being taken against the petitioners.

Considering the fact that the offence of robbery has been venticated through complaint case after two days of the occurrence, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the



learned Court below within a period of 12 weeks from today, on
furnishing bail bond of Rs.10,000/- (ten thousand) each with
two sureties of the like amount each to the satisfaction of the
learned ACJM-II, Rosera, in connection with Complaint Case
No.1112 of 2014, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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