

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35721 of 2017

Arising Out of PS.Case No. -530 Year- 2016 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Manoj Kumar Ojha, Son of Late Sarvjeet Ojha,
2. Arun Kumar Ojha, Son of Late Sarvjeet Ojha, Both R/o Village- M.S.
Suvidha Chahat Complex, Main Road, Buxar, P.S.- Buxar (Town), District-
Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramashankar Prasad S/o Late Dhruv Prasad, R/o Village- Krishna
Brahm, P.S.- Krishna Brahm, District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 23-01-2018 Heard the learned counsels for the petitioners and
the State.

The petitioners seek bail in anticipation of their arrest
in connection with Complaint Case No. 530-C of 2016 dated
15.06.2016 instituted for the offences under Sections 323, 420,
504/34 of the Indian Penal Code.

The petitioners are alleged to have induced the
complainant into parting with Rs. 5 lakhs for a period of 25 days
on the promise of returning it shortly. Neither the money was
returned nor any promise was made by the petitioners to return the
money of the complainant. On the contrary, when the complainant



went to demand the money, he was humiliated and assaulted.

Learned counsel for the petitioners has submitted that admittedly there is a business dealing between the petitioner no. 1 and the complainant whereas the petitioner no. 2 is in service and has unnecessarily been made accused in this case. The petitioner no. 1 has in his possession delivery receipts of articles which have been delivered to the complainant at the instance of M/S Suvidha Chahat Complex, Main road, Buxar which is owned by the petitioner no. 1. This matter had been sent for mediation but it appears that mediation between the parties could not be effected.

For the aforesaid facts, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Complaint Case No. 530-C of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However it is made clear that the petitioners shall cooperate with the investigation and in case they are found to be non-cooperative, it would be open for the investigating agency or



the complainant to approach court below for cancellation of the
bail granted to the petitioners.

(Ashutosh Kumar, J)

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