

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30798 of 2018

Arising Out of PS. Case No.-62 Year-2016 Thana- KOCHAS District- Rohtas

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1. Rajvansh Kushwaha @ Rajbansh Kushwaha @ Rajbansh Singh S/o Late Gauri Kushwaha
 2. Dharmendra Kushwaha @ Dharmendra Singh S/o Yaduvansh Kushwaha
 3. Teju Kushwaha @ Tej Bahadur Kumar S/o Rajvansh Kushwaha @ Rajbansh Kushwaha @ Rajbansh Singh
- All are Residents of Village- Madan Semariya, P.S.- Kochas, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Kishore Singh, Adv.
For the Opposite Party/s : Smt. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-05-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 406, 504 and 506/34 of the Indian Penal Code.

Initially the prosecution case got initiated with filing of Complaint Case No.392/2015, which came to be registered as police case being Kochas P.S Case No.62 of 2016, after its being transferred under Section 156(3) of the Code of Criminal Procedure.

As per the complaint the prosecution case is that informant



and the petitioners are co-villagers. The accused persons took away the complainant to Delhi on assurance to get him employed in a factory, where the petitioners engaged him as a labour and took work from him for 15 to 16 hours with assurance of calculation of wages lateron. The accused persons used to provide food and lodging to the complainant also. After five months, when the wife of the complainant talked with petitioner no.1, Rajvansh Kushwaha through her mobile about the welfare of her husband, then petitioner no.1 assured to send the wages of the complainant to her very soon. Subsequently, the accused persons gave Rs.50,000/- to the complainant and sent him with petitioner no.3, Teju. But, petitioner no.3 alighted at Sasaram station and took back Rs.50,000/- from the complainant, on assurance that he will handover the aforesaid amount to him at his house. But the complainant has not been paid the aforesaid amount. On demand being made by the complaint and his wife, the accused persons not only refused to pay the said amount, but also abused them and threatened of dire consequences.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. For the cause of action of 25.03.2015, the complaint has been filed on 08.04.2015, which



came to be registered as Police Case on 15.04.2016. 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 the accusation is specific against the petitioners in the complaint.

Considering the accusation being omnibus and general and the accusation arising out of contractual nature of relationship between the parties, 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 CJM, Rohtas, Sasaram, in connection with Kochas P.S. Case No.62 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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