

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45129 of 2014
Arising Out of PS.Case No. -185 Year- 1995 Thana -
DARBHANGA COMPLAINT CASE District- DARBHANGA

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1. Vijay Kumar Jha son of Satynarayan Jha
2. Sunil Kumar Jha son of Satynarayan Jha Both are
resident of Mohalla - Babusahab Colony, Near
Baiparmandal, Police Station Bahadurpur, District -
Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Saraswati Devi wife of Vilat Kamati resident of
Mohalla - Babusahab Colony, Near Baiparmandal, Police
Station - Bahadurpur, District - Darbhanga

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Madan Jeet Kumar
For the Opposite Party/s : Mr. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 18-06-2018 The petitioners were made accused by

complainant/O.P. No. 2 in connection with Complaint Case
No. 185 of 1995. The allegation in the aforesaid complaint is
of having divested the complainant/O.P. No. 2 of her silver
ornament worth Rs. 700/- when she had gone to demand her
dues of the salary.

Be it noted that complainant/O.P. No. 2, at the
relevant time, worked as maid-servant to the petitioners.



Mr. Madan Jeet Kumar, learned advocate for the petitioners has submitted that petitioner No. 1, at the relevant time, was a Constable and was posted in Darbhanga from 1988 to 1993. Thereafter, he was transferred to several places and at the time of filing of the present complaint, he was posted as Sub-inspector at Gaya. The petitioner No. 2, who is the brother of petitioner No. 1, has been residing in Delhi along with his family since 1990.

It has further been submitted that without awaiting the service report of the summons, bailable and non-bailable warrant of arrest were issued against the petitioners. The petitioners did not have any idea about the existence of any judicial order or the complaint case. It was only on enquiry by the petitioners that the aforesaid facts came to the fore.

By the order impugned, non-bailable warrant of arrest has been issued and processes have been initiated under Sections 82 and 83 of the Code of Criminal Procedure.

The learned counsel for the petitioners has submitted that the petitioners shall appear before the Court below within a period of four weeks from today.

If the petitioners appear before the Court below within the aforesaid period, orders directing for coercive processes by the Court below shall be withdrawn. The Court below shall pass necessary orders in accordance with law including grant



of bail to the petitioners for them to appear before the Court on the next date.

With the aforesaid observation/direction, the present petition is disposed off.

(Ashutosh Kumar, J)

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