

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60284 of 2018

Arising Out of PS.Case No. -1493 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Shashi Shekhar S/o Late Radha Raman Sharma, R/o near Tiwary Bechar & Mahadeo Timber Main Road of Mohalla- Kankar Bagh, P.S.- Kankar Bagh, District & Town Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Subhash Chandra , Proprietor Om Paper Product S/o Late Kaushal Kishore Prasad Singh, R/o Mohalla- Kankar Bagh Main Road, P.S.- Kankar Bagh, District & Town- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Sharma
For the Opposite Party/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 06.10.2018 Counter affidavit is filed on behalf of the opposite party no.2. Let it be kept on record.

Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State assisted by learned counsel for the informant.

Petitioner apprehends his arrest in connection with Complaint case no. 1493 C/2016 in which cognizance has been taken under sections 419, 420, 468 and 469 of the IPC.

The allegation against the petitioner is that he filed petition under Right to Information Act showing himself as proprietor of Om Paper Product, Patna whereas opposite



party no.2 is proprietor of Om Paper Product, Patna.

Learned counsel for petitioner submits that the petitioner happens to be cousin nephew of opposite party no.2 and, as a matter of fact, civil suit is pending between family members of the parties. He, further, submits that even if it assumed that petitioner has shown himself proprietor of Om Paper Product, Patna in petition filed under Right to Information Act, then also, he rectified aforesaid defect in appeal filed against order of the Right to Information Act as in memo of appeal, he has, nowhere, mentioned himself as proprietor of Om Paper Product, Patna.

Learned counsel appearing for opposite party no.2 opposes the prayer submitting that the petitioner did the above stated act with mala fide and mischievous intention. Therefore, he does not deserve anticipatory bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna in Complaint case no. 1493



C/2016 subject to condition as laid down under section
438(2) of the Cr.P.C.

shahid (Hemant Kumar Srivastava,J)

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