

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20080 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- KARAHGAR District- Rohtas

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1. Upendra Singh, S/o Jagdish Singh,
 2. Rahul Kumar
 3. Chitranjan @ Ranjan Kumar @ Chitranjan Kumar, Both S/o- Upendra Singh, All are R/o-Village- Akhatiyarpur, P.S.- Shidhi, O.P.- Karghar, District- Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Viveka Nand Singh, Adv.
For the State	:	Mr. J.N. Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-04-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 384, 385, 504 and 506 /34 of the IPC.

The prosecution case, as per the written report of Kalika Singh dated 12.01.2018, submitted to the Station House Officer, Sidhi (O.P.) Police Station is to the effect that on 12.01.2018, at 5 A.M., he went outside to ease, in the meantime, all the petitioners came variously armed and caught hold of the informant, but on protest made by the informant, the petitioners assaulted the informant, tied his hands and legs, took him towards the embankment of a river and thereafter, on pistol



point, took LTI of the informant on a plain stamp paper of Rs. 100 and Rs. 50 and on alarm being raised by the informant on seeing the arrival of surrounding area, the petitioners escaped from the scene.

It is submitted by learned counsel for the petitioners that the occurrence took place on 12.01.2018 at 5 A.M. when the FIR was registered on the same day, but the FIR reached to the Court of learned Magistrate on 15.01.2018, after three days of registration of FIR, which clouds the *bona fide* of the accusation and it suggests that the FIR has been registered by antedating.

It is further submitted that the informant had taken Rs. 3 Lacs from petitioner no.1, Upendra Singh as loan and when the informant had not returned the money, petitioner no.1 filed Complaint Case No. 88 of 2018 on 29.01.2018, against the informant of the present case and in the said complaint case, the enquiry witnesses are being examined.

It is further submitted that so called alleged stamp papers have not been used anywhere, hence, even assuming the accusation to be true, no case under Section 384 IPC is made out, rather, at best, a case under Section 385 of the IPC is made, which is bailable.

Learned APP, however, submits that the petitioners are



named in the FIR.

Considering the nature of accusation in the background of dispute between the parties from before and the 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas, Sasaram in connection with Karghar (Shidhi O.P.) P.S. Case No. 10 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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