

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54862 of 2018

Arising Out of PS. Case No.-1390 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Vivek Kumar Mishra, S/o Vinay Kumar Mishra.
 2. Vinay Kumar Mishra, S/o Late Deonath Mishra.
 3. Anamika Parasher, W/o Vivek Kumar Mishra, All resident of Village- Barwa, P.O.- Harpur Tola P.S.- Majhauriya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sittu Mishra @ Vidhanand Mishra, S/o Vinod Kumar Mishra, Village- Barwa, P.S.- Majhauriya, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Aditya Nath Jha
For the State	:	Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-11-2018 Supplementary affidavit has been filed on behalf of the petitioners. Same be kept on the record.

Earlier the anticipatory bail application on behalf of the petitioner No.2 has been dismissed as withdrawn by order dated 11.10.2018.

Heard learned counsel for the petitioners No.1 and 3, learned APP for the State and learned counsel for the opposite party No.2.

The petitioners No.1 and 3 are apprehending their arrest in a case registered under Sections 323 and 406 of the Indian Penal Code.



Allegation is that the petitioners demanded Rs.1.5 lacs from the complainant for appointment in Harinagar sugar mill on the post of clerk. The complainant had given them Rs.50,000/- and sought time for one week for rest amount. Again the complainant gave Rs.1 lac, but when the complainant went at the house of the petitioners and asked for job, they refused the same and also refused to return the money.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is a complaint case. The case is triable by the Magistrate. As per the allegation, the complainant had given Rs.1.5 lac to the accused persons for his employment in Harinagar sugar mill, a private limited company. There is no documentary evidence to show that the amount in question was paid to the accused persons. Prior to institution of the present complaint case, a case was instituted by petitioner No.1, in which the complainant is an accused. The present case is nothing, but malafide prosecution.

On behalf of the State and learned counsel for the opposite party No.2, it is submitted that the petitioners No.1 and 3 are named in the complaint case.



Considering the aforesaid facts and circumstances, let the petitioners No.1 and 3, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Bettiah, West Champaran in connection with Tr. No.3815 of 2018 arising out of Complaint case No.1390C of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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