

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43691 of 2019

Arising Out of PS. Case No.-869 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. BRIJ BIHARI PRASAD GUPTA@BRIJ BIHARI PRASAD aged about 65 years, Male, Son of Late Damari Sah
 2. Bishwas Kumar Ranjan, aged about 37 years, Male, Son of Brij Bihari Prasad Gupta @ Brij Bihari Prasad
Both are Resident of Village - and P.O.- Nokha Ward No. 9, P.S.- Nokha, dist.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Vijay Bahadur Rai aged about 50 years, Male, Son of Late Kedar Rai
Resident of Village - Karhasi, P.S.- Natwar, Dist.- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Pd. Singh, Advocate
For the Opposite Party/s : Ms. Meena Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-09-2019 Heard learned counsel for the petitioners and learned counsel for the complainant – opposite party no. 2. No one appears on behalf of the State.

The petitioners are seeking anticipatory bail in connection with Complaint Case No. 869 of 2018, Trial No. 841 of 2018 registered under Sections 420, 120(B), 504 of the Indian Penal Code.

Petitioners in the present case have been earlier granted privilege of provisional anticipatory bail by learned coordinate Bench of this court vide order dated 16.07.2019.



Learned counsel for the petitioners submits that so far as the allegations against these petitioners are concerned, those are seems to be in the nature of a money claim and the allegations are that the complainant had given some paddy and wheat to the mill and godown belonging to this petitioners. Learned counsel submits that one Vishal Prasad who is conducting the rice mill and whose name has been stated by the complainant in his statement on oath has been granted privilege of anticipatory bail by a learned coordinate Bench of this court in Cr. Misc. No. 60452/2019.

Learned counsel representing the complainant – opposite party no. 2 has opposed the application. It is her submission that the complainant had given the paddy and wheat to the mill in question in the year 2014-15, they are having proof of that, but then these petitioners have not paid the amount and thereby they have cheated the complainant.

Considering the facts and circumstances of the case whereunder the allegation seems to be in the nature of a money claim as the complainant is said to have given paddy and wheat to the rice mill and further that co-accused Vishal Prasad whose name has been disclosed by the complainant in the solemn affirmation has been granted privilege of anticipatory bail by



learned coordinate Bench of this court, let the petitioners abovenamed, in the event of their arrest/surrender before the court below within a period of four weeks be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - III, Rohtas at Sasaram, in connection with Complaint Case No. 869 of 2018, Trial No. 841 of 2018, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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