

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73733 of 2018

Arising Out of PS. Case No.-1163 Year-2014 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Rakesh Mishra @ Rakesh Kumar Mishra, Son of Vinay Shankar Mishra @ Vijay Shankar Mishra
 2. Virendra Mishra @ Birendra Kumar @ Birendra Kumar Mishra Son of Late Ramdeo Mishra
 3. Rita Devi wife of Vinay Shankar Mishra @ Vijay Shanar Mishra
 4. Neera Devi @ Niru Devi @ Nirmala Devi Wife of Virendra Mishra @ Birendra Kumar Mishra
 5. Shivmuni Mishra @ Sheoshankar Mishra @ Shivmuni Mishra Son of Late Ramakant Mishra All are resident of Village-Hamid Nagra P.O. Bhaghai P.S. Uphara, Distt.-Aurangabad

... .. Petitioner/s

Versus

1. State Of Bihar,
2. Ram Chandra Upadhyay Son of Late Sideshwar Upadhyay All are resident of Village Post P.S.-Goh Distt.-Aurangabad present Address Bihar Rajya Path Pariwahan, Prangan Awas No.6 P.S. Civil Line, Distt.-Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 22-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 1163 of 2014, registered under Sections 406, 420/34 of the Indian Penal Code.

The accusation is that petitioner No.1 Rakesh Mishra, petitioner No.3 Rita Devi and petitioner No.4 Neeru



Devi came at the house of complainant and made request to give Rs. One Lakh for treatment of Upendra Mishra saying that the same amount will be returned within six months. Thereafter, complainant gave Rs. One Lakh to the petitioners. On 06.05.2013, petitioner No.2 Virendra Misha informed to the complainant that Upendra Mishra died during the course of treatment and made request to give Rs. 55,000/-, which will also return very soon. Thereafter, complainant gave Rs. 55,000/- to the petitioner for last rituals of Upendra Mishra, while petitioner No.5 Shiv Muni Mishra and Arvind Mishra deposited Rs. 10,000/- each in the account of complainant, but remaining amount was not paid in spite of several requests.

Learned counsel for the petitioners submits that, in fact, on the request of the complainant Rs. 20,000/- was given to the complainant for treatment of his uncle, and when petitioner demanded the same then complainant lodged the present case with false allegation of giving Rs. 1,55,000/- to the petitioners. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in connection with Complaint Case No. 1163 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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