

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60452 of 2019**

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

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VISHAL KUMAR @ BISHAL KUMAR @ BISHAL KUMAR GUPTA,
aged about 40 years, Male, Son of Brij Bihari Prasad Gupta @ Brij Bihari
Prasad, Resident of Village and P.O.- Nokha Ward No.- 9, P.S.- Nokha,
District – Rohtas ... Petitioner

Versus

1. THE STATE OF BIHAR
2. Vijay Bahadur Rai, aged about 50 years, Male, Son of Late Kedar Rai,
Resident of Village - Karhasi, P.S.- Natwar, District - Rohtas
... Opposite Parties

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Appearance :

For the Petitioner : Mr. Jitendra Prasad Singh, Adv.
For the Opposite Parties : Mr. Md. Matloob Rab, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Complaint Case No. 869 of 2018 (Trial No. 841 of 2018) for the
offences alleged under Sections 420, 406, 504, 506 and 323 of
the Indian Penal Code and 23 of the Arms Act.

The accusation is that petitioner, along with Vishwash
Kumar Ranjan and Brij Bihari Prasad Gupta, use to run the
Kesrijee Rice Mill on lease and on their request, the
complainant/opposite party no. 2 gave the paddy and wheat
worth Rs.2,00,000/- in the year 2014-15. Similarly, Ranjit
Kumar also supplied the wheat and paddy worth Rs.10,00,000/-



and Manoj Kumar Singh also supplied the wheat and paddy worth Rs.5,45,000/-, but, in spite of much request the money was not paid by the petitioner and his associates. When the complainant/opposite party no. 2 approached petitioner and his associates at rice mill and made demand of price of supplied paddy and wheat, then, they refused and started to abuse and removed him from there.

The submission of the learned counsel for the petitioner is that it would appear from the first information report that there is no documentary evidence about supply of wheat and paddy by the complainant/opposite party no. 2 and witnesses to the petitioner at his rice mill. In fact, the petitioner has lodged Nokha P.S. Case No. 247 of 2018 against the complainant/opposite party no. 2 and other witnesses regarding the occurrence, dated 08.09.2018, and only to give undue pressure the present complaint case was lodged on 13th of September, 2018.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Complaint Case No. 869 of 2018 (Trial No. 841 of 2018) shall be released on bail on furnishing bail bond of



Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, III, Rohtas at Sasaram, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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