

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84834 of 2019

Arising Out of PS. Case No.-935 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Birendra Tiwary, Male, aged about 57 years, Son of Late Rameshwar Tiwary
 2. Tinku Tiwari, Male, aged about 21 years, Son of Birendra Tiwary
 3. Munna Tiwari, Male, aged about 25 years, Son of Birendra Tiwary, all resident of Village - Gopalpur, P.S.- Kargahar, District - Rohtas.
 4. Vishnu Upadhyay @ Vishnu Shankar Upadhyay, Male, aged about 25 years, Son of Late Kiran Upadhyay Resident of Village - Maheshpur, P.S.- Kargahar, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Tiwary, Male, aged about 32 years, Son of Shiv Kumar Tiwary, Resident of Village - Gopalpur, P.S.- Kargahar, District - Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-02-2020 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. 935 of 2017 registered for the offences punishable under Sections 323, 379, 504 of the Indian Penal Code.

Opposite party no.2 lodged a complaint in the court of learned C.J.M. as Complaint Case No.935 of 2017 stating therein that the complainant has purchased a Hero Honda



Motorcycle on 01.11.2016 from B.N. Gupta Automobiles. It is further stated that on 02.09.2017 accused persons came to the house of complainant and asked to give the aforesaid motorcycle to Vishnu Upadhyay, the complainant denied to sale it, thereafter, accused persons threatened him. Munna Tiwary on the point of Asalha and on instigation of Vishnu Upadhaya, accused Tinku Tiwary assaulted him with fists and slaps and further took away Rs.2,000/- from his pocket and Birendra Tiwary after catching his hair, pulled on earth and started beating from foot. Thereafter, on fear, complainant put his signature of sale letter affixing the revenue stamp on it. The matter has been reported to the S.H.O. who not lodged the case further he written a registered letter to D.I.G., Sahabad region and S.P., Rohtas, but no action has been taken against the accused persons.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The petitioners have falsely been implicated in the present case due to personal grudge and enmity. The real fact is that, petitioner no.4 has sold his cow to the complainant of Rs.47,000/-, which was not paid to petitioner no.4 and he sold the aforesaid motorcycle to the petitioner no.4 and sale letter was executed by



complainant on 28.08.2017. The complainant wants to grab the price of cow of petitioner no.4. He implicated him in this false case. Petitioner no.4 is handicapped person and cannot do any overt act.

There is no specific allegation against the petitioners. There is general and omnibus allegation against the petitioners.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M., Sasaram, District-Rohtas in connection with Complaint Case No. 935 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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