

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22583 of 2021

Arising Out of PS. Case No.-1287 Year-2012 Thana- GAYA COMPLAINT CASE District-
Gaya

-
1. SURAJ KUMAR @ KARU Son of Jay Prakash Bihari Resident of Laheriya Tola, Agrawal, Place, Gaya, P.S.- Kotwali, Gaya, District- Gaya.
 2. Deepak Kumar Son of Jay Prakash Bihari Resident of Laheriya Tola, Agrawal, Place, Gaya, P.S.- Kotwali, Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mithilesh Malakar S/o Ramji Malakar Resident of Mohalla- Laheriya Tola, P.S.- Kotwali, Gaya, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jagdhar Prasad, Adv.
For the Opposite Party/s	:	Mr.Rajiv Nayan, APP Mr.Sanjeev Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-08-2022 Heard learned counsel for the petitioners, learned counsel for the O.P. No.2 and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 379, 420 of the IPC.

Vide order dated 23.05.2022, petitioners were granted provisional bail by a co-ordinate Bench of this Court.



Allegedly, the complainant had given Rs.25,000/- to the petitioner no.1, for the marriage of his brother and when the complainant demanded the same back, the petitioners assaulted him by hand and leg.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that earlier one complaint case was filed by the complainant against the petitioners before the learned court below and the same was dismissed. Thereafter, he again filed a complaint against the petitioners in the year 2012, which was rejected by the Court below. Learned counsel for the petitioners submits that the occurrence took place in the year 2008 and the complaint is filed in 2012. It is further submitted that the delay in approaching the Court is explained in detail in para-15 of this application. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the opposite party no.2 opposed the prayer for bail by submitting that the petitioner no.1 had taken Rs.25000/- from the complainant but till date has not returned the same, therefore, a complaint petition was filed before the learned court



below.

Considering the aforesaid fact that the complaint petition has been filed after four years of the occurrence, the provisional bail granted to the petitioners vide order dated 23.05.2022, in connection with Complaint Case No.1287 of 2012, is hereby confirmed, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

