

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15521 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- SHRI NAGAR District- Madhepura

1. RAMESH SHARMA Son of Late Jagdish Sharma Resident of Village - Parmanandpur, Ward No.- 11, Police Station - Srinagar, District - Madhepura.
2. Kusheshar Sharma @ Kusheshwar Sharma Son of Munar Sharma Resident of Village - Parmnandpur, Ward No.- 11, Police Station - Srinagar, District - Madhepura.
3. Shailendra Sharma Son of Bishundeo Sharma Resident of Village - Parmanandpur, Ward No.- 11, Police Station - Srinagar, District - Madhepura.
4. Indal Sharma @ Indrajit Kumar Son of Kusheshar Sharma @ Kusheshwar Sharma Resident of Village - Parmnandpur, Ward No.- 11, Police Station - Srinagar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad , Advocate
	:	Mr. Manoj Kumar , Advocate
	:	Pooja Prasad , Advocate
For the Opposite Party/s :	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under sections 341, 323, 120 B, 420, 406, 504 of the Indian Penal Code.

It is alleged that petitioners came in contact with complainant and others in the year 2008 and they introduced themselves as the agent of Uthan Company and induced the



Complainant that they will get benefit of Rs. 2 lac after 2 years, if Rs. 18000/- is deposited in the alleged company by the complainant. After completion of stipulated period of 2 years of depositing the amount of Rs. 18000/- per head the complainant met with accused persons for payment their accumulated amount the accused persons refused to pay the amount to complainant despite several requests and the accused persons misbehaved with the complainant by abusing and assaulting them on 23.01.2017 at about 19 o' clock.

It is submitted that as per FIR the date of occurrence was from year 2008 and date of maturity was in the year 2010, but the complaint has been registered on 08.01.2017 which was converted into FIR on 10.11.2022. Unexplained delay in lodging the FIR casts serious doubt over the genuineness of the entire prosecution. Petitioners have not taken any amount from the informant. In fact the informant has taken amount of Rs 50,000 from petitioner No 1 and when he demanded his money back, this false and fabricated case has been lodged against these petitioners. Petitioners claim clean antecedent.

Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged on



bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Madhepura in connection with Srinagar P.S. Case No 133 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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