

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70410 of 2024

Arising Out of PS. Case No.-1030 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Vijay Mishra Son of Vindhyachal Mishra R/O Vill.- Naya Gaw Bhuthan, P.S.- Paharpur, Dist.- Champaran.
 2. Amit Kumar Son of Vijay Mishra R/O Vill.- Naya Gaw Bhuthan, P.S.- Paharpur, Dist.- Champaran.
 3. Ankit Kumar Son of Vijay Mishra R/O Vill.- Naya Gaw Bhuthan, P.S.- Paharpur, Dist.- Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Subodh Chaubey Son of Late Ambika Chaubey R/O Vill.- Siswa Chaubey Tola, P.S.- Paharpur, Dist.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mrs. Rashmi Jha, Advocate
For the Opposite Party/s :	Mr. Pranav Kumar, APP
	Miss Nikita Mittal, Adv.
	Mr. Rajesh Roy, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-01-2025 Heard learned counsel for the petitioners, learned

A.P.P. for the State and learned counsel for the opposite party

no. 2.

2. The petitioners apprehend their arrest in a
complaint case punishable for the offence under Sections 341,
392, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, on 17.04.2023 at about
4:30 PM, while the opposite party no. 2, after withdrawing Rs.
25,000/- from the bank, was returning his house and reached
near Utkramit Vidyalaya, these petitioners surrounded him and



on the point of pistol, looted the alleged money. They also assaulted opposite party no. 2 with fist & fat and fled away after firing in air.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence and they are simply victim of false implication. There is inordinate delay of ten days in filing the complaint petition and there is no plausible explanation of delay. In fact, the case appears to be maliciously lodged in the background of the political rivalry. No incriminating article has been recovered from their possession. He further submits that though, there is allegation of assault, but there is no injury report on record. Rest of the allegation is ornamental in nature.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 vehemently opposed the bail petition. Learned counsel for opposite party no. 2 submits that petitioners are named in the F.I.R. with specific accusation that these petitioners, on the point of pistol, committed the offence and looted cash. Besides this, petitioner no. 1 & 3 have one criminal antecedent.

6. Considering the backdrop of political rivalry, delay in lodging the complaint petition and there is no injury report on



record, the prayer for anticipatory bail of petitioners is allowed.

7. Accordingly, let the above named petitioners, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Trial No. 3018 of 2023, arising out of Complaint Case No. 1030 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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