

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4736 of 2015

Arising Out of PS.Case No. -246 Year- 2014 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

Chhote Rai son of Late Shatrughan Rai
Rudal Rai son of Late Shatrughan Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Raj Kishor Singh (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 04-02-2015

Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State and learned
counsel for the informant.

Petitioners apprehend their arrest in connection with
Chanpatia (Sirisia) P.S.Case No. 246 of 2014 registered for the
offences punishable under Sections 420, 406, 506, 379/34 of the
Indian Penal Code.

The accusation against the petitioners is that they
took Rs. 4 lacs two years ago for execution of sale deed in respect
of their lands but later on, they refused to execute sale deed and
threatened the informant to kill him.

It is surprising enough that the learned Sessions Judge
did not find any evidence in the case diary to constitute offence

under section 406 of the Indian Penal Code against the petitioners but in spite of that, without passing any final order on the prayer of anticipatory bail of the petitioners disposed of the matter with direction to the petitioners to surrender before the trial court.

In my view, the learned Sessions Judge ought to have passed negative or affirmative order on the anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran at Bettiah in Chanpatia (Sirisia) P.S. Case No. 246 of 2014, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

Namita/-

U			
---	--	--	--