

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46380 of 2014

Arising Out of PS.Case No. -203 Year- 2013 Thana -LAURIYA District- WEST CHAMPARAN
(BETTIAH)

Sugandhi Devi, Wife of Sri Daya Shankar Singh, Resident of Village-
Siswania, P.S.- Lauriya, District- West Champaran Petitioner
Versus

The State of Bihar Opposite Party

With

Criminal Miscellaneous No.46402 of 2014

Arising Out of PS.Case No. -203 Year- 2013 Thana -LAURIYA District- WEST CHAMPARAN
(BETTIAH)

1. Imtiyaz Ansari @ Imteyaz, Son of Addat Ansari, Up- Mukhiya, Resident
of Village- Siswania, P.S.- Lauriya, District -West Champaran
2. Prakash Singh, Son of Late Sajjan Singh, Ward Member, Resident of
Village- Siswania , P.S.- Lauriya, District- West- Champaran
.... Petitioner

Versus

The State of Bihar Opposite Party

With

Criminal Miscellaneous No.1708 of 2015

Arising Out of PS.Case No. -203 Year- 2013 Thana -LAURIYA District- WEST CHAMPARAN
(BETTIAH)

Dharmendra Kumar son of Late Nawal Kishore Singh Resident of Village-
Gaurihar Man, P.S.- Sakara, District- Muzaffarpur (Bihar) at present Rojgar
Sewak, Gram Panchayat Raj Chamaulia, Bagaha- II Block, District- West
Champaran (Bihar) Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

(In Cr.Misc. No.46380 of 2014)

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

(In Cr.Misc. No.46402 of 2014)

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

(In Cr.Misc. No.1708 of 2015)

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 10-04-2015

These three applications for anticipatory bail on behalf of the respective petitioners arise out of a common FIR and, as such, they have been heard together and are being disposed of by a common order.

The petitioner Sugandhi Devi in Cr. Misc. No. 46380 of 2014 is Mukhiya of Siswania Gram Panchayat, the petitioners Imtiyaz Ansari @ Imteyaz and Prakash Singh in Cr. Misc. No. 46402 of 2014 are Up-mukhiya and Ward Member respectively and the petitioner Dharmendra Kumar in Cr. Misc. No. 1708 of 2015 is Panchayat Sevak of the aforesaid panchayat. They seek anticipatory bail in connection with Lauriya P.S. Case No. 203 of 2013 registered under Sections 406, 420, 409, 468 and 120B of the Indian Penal Code.

It has been contended that the petitioners are innocent and they have been falsely implicated in the case. The due wages of the labourers in different schemes were duly paid to them through post office and no irregularity was ever committed. Moreover, the amount in question has already been

deposited by the petitioner Dharmendra Kumar pursuant to the order passed by the Deputy Development Commissioner of the district. It has further been contended that they are responsible persons having got roots in the society and are not likely to abscond or tamper with evidence, if released on bail.

On the other hand, learned APP for the State has opposed the prayer for bail. He has submitted that several witnesses have stated in course of investigation that they have not been paid the due wages by the petitioners and their signatures or thumb impressions have been forged on the muster roll and advice.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest of surrender within a period of four weeks from today in the court below, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 203 of 2013 subject to the following conditions that:- (a) the petitioners shall co-operate with the investigation and they should present themselves before the investigating officer of the case within fifteen days from the

date of furnishing bail bonds in the case for the purposes of interrogation; (b) the petitioners shall not influence the witnesses or tamper with any document; (c) the petitioners shall not leave the limits of the State of Bihar without prior permission of the trial Court; (d) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court; (e) the petitioners shall receive the police report and other documents in terms of Section 207 of the Code of Criminal Procedure as and when the same is supplied to them by the Court; (f) the petitioners shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move this Court for cancellation of bail; and (g) one of the sureties must be a Government servant/elected people's representative of Panchayat/Municipality; and the other one shall be a close relative.

(Ashwani Kumar Singh, J.)

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