

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3926 of 2016

Arising Out of PS.Case No. -71 Year- 2009 Thana -GAURICHAK District- PATNA

=====

1. Md. Salekh S/o Late Gafur Sheikh,
2. Haiyal Sheikh, S/o Md. Salekh
3. Afajul Haque, S/o Giasa Sheikh,
4. Lailesh Sheikh, S/o Saiful Sheikh,
5. Nabiul Sheikh, S/o Bhodu Sheikh,
6. Raijul Sheikh, S/o Bhodu Sheikh,
All resident of Village - Nagharia, P.O. - Nagharia, P.S. - English Bazar
Malda, District - Malda (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Saket Tiwary

For the Opposite Party/s : Mr. Anil Pd.Singh(App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 18-04-2016 Heard learned counsel for the petitioners and

learned counsel appearing on behalf of the State.

The petitioners are a team of labourers engaged by the informant for carrying out the contract works, are apprehending their arrest in connection with Gaurichak P.S. Case No. 71 of 2009 registered for the offences punishable under Sections 406, 420/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the entire case of these petitioners is false and misconceived and no offence under provisions of Section 406 and 420 can be made out. It is further submitted that the materials which were lifted

from IVRCL Store Fatwah, were put to use in the project and there is nothing on record to show that the petitioners escaped with the same. There is also no clear allegation with regard to the tractor being in their possession so as to enable them to escape along with the materials. Learned Counsel further submits that the present case is motivated since these petitioners who were claiming due wages and only to evade payment of the same for which the present case has been lodged.

Considering the nature of allegations made against the petitioners and that the petitioners have no criminal antecedent, let the petitioners, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the each amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City in connection with Gaurichak P.S. Case No. 71 of 2009, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjana Mishra, J)

ajaypd./-

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