

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39459 of 2016

Arising Out of PS.Case No. -178 Year- 2016 Thana -SIRDALA District- NAWADA

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1. Kamdeo Das S/o Jagdish Das Mukhiya Gram Panchayat Chaukiya, Resident of Village- Jamuniya, P.S.- Sirdala, District- Nawada.
 2. Rajendra Paswan S/o Shyam Paswan the then Panchayat Secretary, Resident of Village- Chaukiya Panchayat, P.S.- Sirdala, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
For the State : Smt. Anusuiya Jaiswal
For the Informant : Mr. Bhaskar Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 27-10-2016 Heard both sides.

The petitioners apprehend their arrest in Sirdala P.S. case No. 178 of 2016 under Section 409, 420, 120B of the Indian Penal Code.

The informant made allegation that the petitioners, Mukhiya and Panchayat Secretary of Gram Panchayat, Chaukiya, purchased solar lamps at inflated prices and not from the company authorized by the Government of Bihar.

Sri N. K. Agrawal, the learned senior counsel for the petitioners, submits that the solar lamps are still working and even, according to the allegation made by the informant, the petitioners

paid Rs. 7500/-, in access to the prescribed price. The petitioners are ready to deposit the amount but it appears from perusal of paragraph 3 of the anticipatory bail petition that the petitioners have got criminal antecedent.

Considering the fact that the petitioners have got criminal antecedent, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, the learned Additional Chief Judicial Magistrate, Nawada in Sirdala P.S. case No. 178 of 2016, the learned court below shall consider the prayer for regular bail of the petitioner without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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