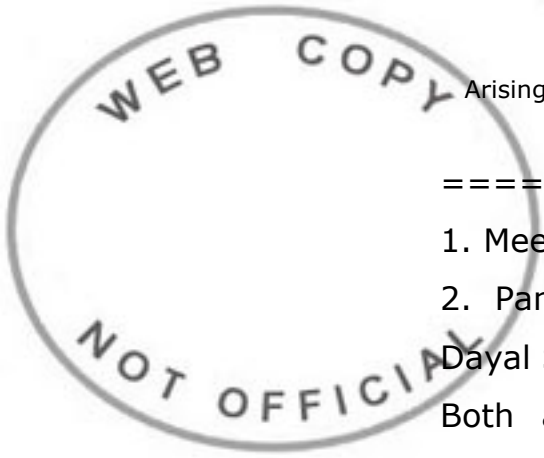




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15491 of 2016

Arising Out of PS.Case No. -279 Year- 2014 Thana -SARAN COMPLAINT CASE
District- SARAN

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1. Meena Devi, W/o Pankaj Singh @ Pankaj Kumar Singh
2. Pankaj Kumar Singh @ Pankaj Singh, S/o Late Ram
Dayal Singh
Both are resident of village - Baijalpur Kesho, P.S. -
Sonepur, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shyam Nandan Singh, S/o Late Kamla Prasad Singh,
Resident of Village - Baijalpur Kesho, P.S. - Sonepur,
District - Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
For the State : Mr. Shyam Bihari Singh (App)
For the Complainant : Mr. Deepak Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 21-07-2016 Heard learned Senior Counsel, appearing on
behalf of the petitioners, learned Additional Public
Prosecutor for the State, and learned Counsel, appearing
on behalf of the complainant-opposite party No.2.

This application, for grant of anticipatory bail, arises out of Complaint Case No. 279 of 2014 (Tr. No. 5321 of 2014), disclosing offences under Section 420 of the Indian Penal Code.

The petitioner had earlier approached this Court seeking anticipatory bail *vide* Cr. Misc. No. 6030 of 2016. Since the anticipatory bail application arose out of a complaint case, the same was disposed of by an order, dated 26.02.2016, giving the petitioners liberty to appear before the court below and seek regular bail, making it clear that if they did so, their application shall be considered in the light of this Court's decision in case of ***Salim Ansari @ Md. Salim Ansari & Ors. Vs. The State of Bihar & Anr.,*** reported in ***2015(3) PLJR 806***.

The present application has been filed stating that the petitioners were not aware of issuance of warrant of arrest by the Court against them. It is their case that no summons was ever served upon them and without service of summons, non-bailable warrant of arrest has been issued. It is, accordingly, the case of the petitioners that they did not appear before the court below in compliance of the order of this Court, dated 26.02.2016, since they might have been taken into custody, there

being non-bailable warrant of arrest issued against them by the court below.

There appears to be no dispute that without service of summons, non-bailable warrant of arrest came to be issued against the petitioners.

In the facts and circumstances of the case, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Judicial Magistrate, Ist Class, Saran at Chapra**, in connection with **Complaint Case No. 279 of 2014 (Tr. No. 5321 of 2014)**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners, above named, shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Before I part with, I must indicate that in

complaint cases, before issuance of non-bailable warrant of arrest for non-appearance of an accused in response to summons, the Courts must ensure that the summons are, in fact, issued and duly served upon the concerned.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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