

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40131 of 2016

Arising Out of PS.Case No. -362 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. Rakesh Singh son of Mahendra Singh, resident of Village- Dhanechha, P.S.- Durgawati, District- Kaimur at Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.40181 of 2016

Arising Out of PS.Case No. -362 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. Manoj Kumar Gupta @ Manoj Kumar
2. Chandan Kumar Gupta both are sons of Rajendra Prasad Gupta resident of Vill - Khurmabad, P.S. - Chenari, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.42751 of 2016

Arising Out of PS.Case No. -362 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. Shera Singh @ Surendra Singh Son of Sobhnath Singh resident of village - Kurain, P.S. Mohania, District - Kaimur at Bhabhua

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.40131 of 2016)

For the Petitioner/s : Mr. Vijay Anand, Advocate
Mr. Jyoti Ranjan Jha
Dr. Kislay

For the Opposite Party/s : Mr.i Parmanand Kumar A.P.P.

(In Cr. Misc. No. 40181/2016)

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Sri Ashok Kumar, A.P.P.

(In Cr.Misc. No.42751 of 2016)

For the Petitioner/s : Mr. Vijay Anand, Advocate
Mr. Jyoti ranjan Jha
Dr. Kislay

For the State Mr. Mukeshwar Dayal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-10-2016

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Mohania P.S.Case No. 362/2016 registered for offence punishable
under Sections 418, 419, 420, 384 and 120(B)/34 of the Indian
Penal Code.

The prosecution case as per written report by the
informant namely, Ganga Sagar Singh, Sub Inspector of Mohania
Police Station is that a large number of persons had indulged in
illegal passage of vehicles on the border of U.P. and Bihar, in
connivance with the concerned Government Officials of the two
states posted there. On being apprehended, one Raj Kishore Gupta
had taken the name of the petitioners, hence, the petitioners have
also been made co-accused.

It has been submitted by the learned counsel for the
petitioners that they are innocent and have been falsely implicated
in the aforesaid case. It has further been submitted that all the



petitioners have no criminal antecedents except Manoj Kumar Gupta @ Manoj Kumar, petitioner No. 1 in Cr. Misc. No. 40181/2016 and Shera Singh @ Surendra singh, petitioner in Cr. Misc. No. 42751/2016, who are accused in another case in which they are on bail. It has been submitted that although the police had conducted a raid alleging that there was a large scale in passage of vehicles illegally across the border with the connivance of the Government officials, none of the government officials have been made party in the F.I.R. It is also alleged that the name of the petitioners surfaced on the basis of statement of apprehended person Raj Kishore Gupta. It is also submitted that if the petitioners are granted anticipatory bail, they will not flee or tamper with the evidence and undertakes to co-operate with the investigation or trial. It has further been submitted that on similar allegations, one of the co-accused Jaswant Singh (R.K.T. Line Hotel) has since been granted the privilege of anticipatory bail in Cr. Misc. No. 41612/2016 on 29.09.2016 by a co-ordinate Bench of this Court.

However, learned A.P.P. for the State submits that the petitioners are named in F.I.R., hence, opposes the prayer for bail.

Be that as it may, since on similar allegation another co-accused have been granted the privilege of bail, let the above named petitioners in the event of their arrest or surrender before

the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania P.S.Case No. 362 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that the petitioners will co-operate with the investigation and would appear before the police/Court as and when required and on failure to appear on the dates required without any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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