

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53735 of 2016

Arising Out of PS.Case No. -2350 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Ashok Yadav, S/o Late Baran Yadav, R/o Village- Phulwaria, P.S.-
Phulwaria, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nagendra Rai, S/o Late Sugani Rai, R/o Village- Rasauti, P.S. Kateya,
Distt.- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 27-02-2017 Heard the learned counsel for the petitioner as well as
the learned counsel for the complainant.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Complaint Case No. 2350 of 2015/ Tr. No. 2414 of 2016 for the offences punishable under sections 406, 420, 467 468 of the I.P.C.

Allegedly, the petitioner took Rs. 3,00,000/- on the pretext to provide job in the railway after disclosing himself as nephew of the Ex- Railway Minister.

Submission is of false implication and that the occurrence is of the year 2009, whereas, complaint case has been



filed in the year 2015, there is no chit of paper to show the payment of the amount, the petitioner has been made accused in two more cases wherein he has been allowed pre-arrest bail vide Cr. Misc. Nos. 52736 of 2016 and 51274 of 2016 by another co-ordinate Benches of this Court, there is no allegation of tampering with the witnesses.

The learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioner by submitting that Rs. 50,000/- was deposited in the account of the petitioner.

In the facts and circumstances as stated above, considering that the case of the complainant is hit by *pari delicto* and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. C.J.M. Gopalganj in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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