

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34925 of 2017

Arising Out of PS.Case No. -79 Year- 2014 Thana -BISHWAMBHARPUR District- GOPALGANJ
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1. Rajendra Yadav, Son of Kulenjon Prasad Yadav, R/o Village- Konhwa Pasarama, P.S.- Gopalganj, District- Gopalganj.
2. Bhagmani Sah, W/o Anil Sah, R/o Village- Hasua, P.S.- Nautan, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Smt. Rita Verma, A.P.P.
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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 15-09-2017 Learned counsel for the petitioner at the very outset submitted that petitioner No.1 has been taken in to custody, therefore, this application has become infructuous with respect to petitioner No.1 only and seeks permission to withdraw this application.

Permission accorded.

Accordingly, this application with respect to petitioner No1 is dismissed as withdrawn having been infructuous.

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bhishambharpur Police Station Case No. 79 of 2014, disclosing offences under Sections 420 and 409/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the



petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, the amount in question was allotted for construction of new school building in Sipaya Khas Tukar Rai Ke Tola in the financial year 2008-2009 whereas according to the F.I.R., the same has been allotted in the year 2009-10. This shows that the petitioner has been made accused in this case in a mechanical manner and without appreciating and verifying the fact only to harass her. Moreover, construction work of new school building has been completed, which is evident from No Objection Certificate issued by the higher authority, at annexure-3, therefore, no case under Section 420 and 409 of the I.P.C. is made out against the petitioner. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Additional Chief Judicial Magistrate-X, Gopalganj, in connection with Bishambharpur Police Station Case No. 79 of 2014, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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