

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40562 of 2016**

Arising Out of PS.Case No. -957 Year- 2015 Thana -MUZAFFARPUR TOWN District-  
MUZAFFARPUR

- =====
1. Bishundeo Sah @ Bishnu Deo Sah, Son of Late Bakelal Sah resident of village- L/S-7, Harmu Housing Colony, P.S-Argora, District-Ranchi (Jharkhand).
2. Monish Kumar Sah @ Manish Kumar Sah, Son of Bishundeo Sah resident of 289, Vivekanand Nagar, Chookasandra, P.S-Peenja, Distt-Bengaluru.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate  
: Mr. Rakesh Nr. Singh, Advocate  
For the State : Mr. Renu Kumari

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**ORAL ORDER**

6      28-01-2017      Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Muzaffarpur (Town) Police Station Case No. 957 of 2015, disclosing offences under Sections 406 of the Indian Penal Code.

Learned Counsel for the petitioners has submitted that these petitioners have not been named in the F.I.R. rather the main allegation as alleged in the F.I.R. is against Sanjay Kumar Mishra, who has taken Rs. 19,00000/- from the informant for the purpose of medical admission. Not a single farthing has been taken by these petitioners nor anything is



available on record to make out a case against these petitioners. Though, the name of these petitioners have been disclosed by the informant regarding their involvement during course of investigation but, mere leveling allegation without proof does not attract commission of offence, for which, these petitioners can be liable to be punished and retained in judicial custody. Hence, the petitioners deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case and the nature of the allegation, let the petitioners, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Muzaffarpur (Town) Police Station Case No. 957 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Arvind Srivastava, J)**

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