

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12654 of 2017

Arising Out of PS.Case No. -783 Year- 2016 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

=====

Sanjay Paswan Son of Late Ramadhar Paswan, Resident of Vill.- Tilauthu,
P.S.- Tilauthu, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Ahtash Ali Khan

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

ORAL ORDER

4 25-04-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Sasaram (T) P.S. Case No. 783 of 2016 for the offences punishable under sections 406 and 420/34 of the I.P.C.

As per FIR the petitioner was handed over to the police by the informant but the police inspite of arresting him released him under section 41 (1) of the Cr.P.C. and as such there is no apprehension against the petitioner to be arrested.

The allegation against the petitioner is that he and co-accused Shakil Ahmad and Asraf Malik had taken Rs. 40,000/- from the each candidate to send them in Foreign Country but nobody was sent in Foreign Country and the petitioner and others



cheated the amount.

Submission is of false implication and that there is no legal and tangible material against the petitioner, there is no chit of paper to show that the petitioner has taken any amount from the informant or anybody, the amount was paid in the account of Md. Asraf @ Asraf Malik, the petitioner has not taken any amount and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances as stated above, considering that the petitioner was given protection under section 41 (1) of the Cr.P.C. and as such he is directed to surrender in the court below and the learned court below after surrendering the petitioner within six weeks shall consider the prayer for regular bail of the petitioner in the light that the petitioner has been granted privilege under section 41 (1) of the Cr.P.C and accordingly this Criminal Miscellaneous is hereby disposed of.

(Jitendra Mohan Sharma, J)

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