

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25946 of 2017

Arising Out of PS.Case No. -1495 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Aswani @ Ashwini Kumar @ Tinku Kumar Son of Dilip Mandal resident
of village - Basudeopur, P.S. Kotwali Munger District Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kanhaiya Lal Choudhary, Advocate S/o Late P.M. Choudhary K.B. Lal
Road, Nathnagar, Bhagalpur also at CH. No. 436 Civil Side Tishazari
Court, Delhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Bakshi S.R.P. Sinha
Mr. Davendra Kumar Pandey
For the Opposite Party/s : Sri Ram Sumiran Roy

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 28-06-2017 Heard Sri Bakshi S.R.P. Sinha , learned senior counsel,

assisted by Sri Davendra Kumar Pandey, learned counsel for the

petitioner and Sri Ram Sumiran Roy, learned Additional Public

Prosecutor .

The petitioner, has approached this court with a prayer
to extend the privilege of bail in the event of arrest or surrender in
connection with Complaint Case No. 1495 of 2014 registered for
the offence under Section 406, 420/34 of the Indian Penal Code.

Learned senior counsel for the petitioner has drawn my
attention to Annexure '1' to the petition and submits that earlier
petitioner had filed anticipatory bail petition at the time when



only summon was issued and since it was not maintainable on 09.11.2016 the petition stood dismissed as withdrawn . He submits that subsequently warrant of arrest was issued , whereas other some of the co- accused particularly Dilip Mandal and Manju Devi have already been extended the privilege of anticipatory bail . He has also drawn my attention to an order dated 4.4.2017 passed by the learned court below where prayer for anticipatory bail of the petitioner was rejected to show that learned court below has noticed that co -accused Dilip Mandal was granted anticipatory bail. He further submits that in a dispute of civil nature color of criminal offence has been given .

Learned Additional Public Prosecutor has opposed the prayer for bail however, considering the fact that co -accused has been granted privilege of anticipatory bail as well as the nature of accusation, the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail . Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner Aswani @ Ashwini Kumar @ Tinku Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. – 1, Bhagalpur / concerned court in connection with Complaint Case No. 1495



of 2014 subject to the conditions as contemplated under Section
438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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