

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8039 of 2017

Arising Out of PS.Case No. -553 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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1. Bhuneshwar Ram @ Guhan Ram Son of Dashrath Ram,
2. Dharmendra Kumar Ram @ Dharmendra Kumar Son of Bhuneshwar Ram @ Guhan Ram,
3. Jitendra Kumar Ram Son of Bhuneshwar Ram @ Guhan Ram, All Resident of Village- Babhangawan P.S. Lakhisarai, District- Lakhisarai, At Present- Kiul Basti Goishola Gali, Gosai Tola, P.S.- Kabaiya, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 08-03-2017 This application has been listed under the heading
‘For Admission.’

It has been submitted that on 23.02.2017, the petitioners have been granted anticipatory bail by this Court but inadvertently the bail order has not been typed and in place thereof following order has been typed;

“Call for the legible carbon copy of the case diary of Lakhisarai P.S. Case No. 553 of 2016 from the court of Additional Chief Judicial Magistrate, Lakshisarai and list the matter after receipt of the same.

In the meantime, no coercive steps shall be taken against the petitioners in connection with Lakhisarai P.S. Case No. 553 of 2016 pending in the court of Additional Chief Judicial Magistrate, Lakhisarai.”



In view of the aforesaid fact, the order dated 23.02.2014 is recalled and, accordingly, order dated 23.02.2017 is modified to this extent;

“Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Lakhisarai Police Station Case No. 553 of 2016, disclosing offences under Sections 406, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

Learned counsel for the petitioners has submitted that there is general and omnibus allegation against these petitioners. Though there is allegation of taking money on the assurance of providing employment against the petitioners as alleged in the F.I.R. but no proof in this regard is available on record. Mere leveling allegation in absence of any proof does not constitute offence under Section 420 of the Indian Penal Code. Therefore, the petitioners, who are of clean antecedent, may not be prosecuted for the alleged offence, which, prima facie, has not been committed. Hence, the petitioners deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioners, above named, 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, Lakhisarai, in connection with Lakhisarai Police Station Case No. 553 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.”

(Arvind Srivastava, J)

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