

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31778 of 2017

Arising Out of PS.Case No. -209 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Jai Prakash Mahto, S/o Sri Ram Mahto @ Sri Ram Kumar Mahto.
2. Sri Ram Mahto @ Sri Ram Kumar Mahto, S/o Jagaranath Mahto, Both
are R/o Village- Singachhapar, P.S.- Bettiah, (Muffasil), District- West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sugandhi Devi @ Sugandhi Giri, W/o Parmanand Giri, R/o Phatehpur
Bakulahar Math, P.S.- Gopalpur, Dist.- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 13-07-2017

Heard learned counsel for the petitioners.

No one appears on behalf of the State.

The petitioners apprehend their arrest in connection
with complaint case no. 209 of 2015 registered for the offences
punishable under Sections 406, 420, 323, 504/34 of the Indian
Penal Code.

Learned counsel for the petitioners submits that the
present complaint case was filed on 29.01.2015 in respect of the
alleged transaction which has taken place on 7.01.2009. It is the
case of the complainant that she had handed over a sum of Rs.
91,000/- and 96,000/- respectively for the purpose of installation
of mobile tower as the complainant and the witnesses were
interested in getting mobile tower installed over their respective
land.



Learned counsel for the petitioners submits that the whole allegation of handing over money is false and concocted. There is no proof of such payment to the accused. It is further submitted that non-bailable warrant has already been issued against the petitioners and in case of their surrender in the court below, there is apprehension that they may be taken into custody. The petitioner no. 2 is said to be a Government Servant.

In the facts and circumstances of the case, let the petitioners surrender in the court below and pray for regular bail. On surrender and filing of the regular bail application, the learned Magistrate shall consider the application for regular bail in the light of Judgment of this court in the case of **Salim Ansari @ Md. Salim Ansari and Others Vs. State of Bihar and another vide order dated 14th May, 2015 passed in Cri. Misc. No. 51075 of 2014**, without being prejudiced by the fact that a non-bailable warrant has been issued against the petitioners. The learned magistrate shall consider the application for regular bail on the same day subject to the condition that the application shall be served on the public prosecutor at least 24 hours before filing of the application.

The application stands disposed of with above directions.

(Rajeev Ranjan Prasad, J)

siddharth/-

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