

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46896 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -CHEWRA District- SEKHPURA

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1. SHRAWAN KUMAR @ SHRAWAN CHAUHAN
2. Musafir Chouhan
3. Satya Devi
4. Santoshi Devi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the informant : Mr. Bipin Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 23-02-2017 Heard the learned counsel for the petitioners and the State.

This is a petition for grant of anticipatory bail for offences under Sections- 419, 420, 406, 467, 468, 471 of the Indian Penal Code.

The FIR reveals that main allegation of cheating to different persons including to the informant is against co-accused Rahul Chouhan. The petitioners are father, mother, wife and brother of said Rahul Chouhan.

Learned counsel for the petitioners submits that the criminal act so alleged against Rahul Chouhan, cannot attract vicarious liability against the family members only for the reason that the money, received by Rahul Chouhan, was utilized for



construction of big house, installation of water plant and for use of the family members.

Learned counsel for the informant opposed the prayer on the ground that a coordinate bench of this court has refused regular bail to the brother of Rahul Kumar in Cr. Misc. No. 47749 of 2016.

From perusal of the order passed in Cr. Misc. No. 47749 of 2016, it appears that the fact was not brought to the notice of the Hon'ble Bench that specific allegation of cheating is only against the co-accused, Rahul Chouhan and not against family members and the vicarious liability cannot be attracted in criminal matter unless the statute so provides specifically.

Hence, petitioners named above in the event of their arrest or surrender in the court below within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Chewara P.S. Case No. 23 of 2016 to the satisfaction of learned Sub Divisional Judicial Magistrate, Sheikhpura subject to the condition as laid down u/S 438(2) of the Cr.P.C.

(Birendra Kumar, J)

A.K.V./-

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