

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42005 of 2017

Arising Out of PS.Case No. -404 Year- 2015 Thana -KOTWALI District- PATNA

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Kapildeo Sharma (Advocate) son of Late Dashrath Sharma, resident of Mohalla - Chandmari Road, P.S. -Kankarbagh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajit Kumar Singh, Section Officer, Legal Cell, Patna High Court, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate
: Mr. Sanjay Kumar Sharma, Advocate
For the State : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-10-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Kotwali P.S. Case No.404 of 2015 registered under sections 419, 420, 466 and 474 of the Indian Penal Code.

It is contended by Mr. Rajendra Narain, learned Senior Advocate for the petitioner that so far as the petitioner is concerned, he has discharged his duties as an Advocate in receiving and accepting the Vakalatnama from the accused and filing the case. He had no role in playing any fraud upon the court. He submitted that filing an application for bail for a person, who is in custody, cannot be termed to be an offence under different



provisions of the Indian Penal Code.

Learned counsel for the State has opposed the prayer for grant of anticipatory bail to the petitioner. He submitted that the case was instituted pursuant to the direction given by this Court. The second application for bail in respect of the same accused by swearing false affidavit by a fictitious person was also filed whereafter the court entrusted the matter for enquiry after which the first information report has been instituted.

In reply, Mr. Rajendra Narain, learned Senior Advocate has submitted that if there was any fault in filing the second application for grant of bail, the blame, if any, ought to have been against the Advocate who had filed it subsequently, but unfortunately the petitioner, who had accepted the Vakalatnama of the accused in the first bail application, has been made an accused.

Considering the nature of offence and submissions made above, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No.404 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of



arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J)

Md.S./-

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