

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53447 of 2017

Arising Out of PS.Case No. -45 Year- 2017 Thana -AURANGABAD TOWN District -
AURANGABAD

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Srikant Kumar son of Shiv Kumar Chaudhary Resident of village - Shri
Tola, Police Station - Nawada, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Pratap Singh, Advocate
For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Town**
(Aurangabad) P.S. Case No. 45 of 2017 instituted for the offence
under Sections 406, 420, 467, 468, 471 and 120(B) of the Indian
Penal Code.

The informant who was the Anchal Adhikari filed a
written report before the S.H.O., Town P.S. Aurangabad alleging
therein that on 11.12.2017 at 14:30 hours, he got information that
on Simra Road, Kama Bigha, Aurangabad, in the banner of
“Chand Jan Kalyan Samiti” its members are extorting money from
the villagers. Upon information he along with police officials
reached the place of occurrence and found the Board of Chand Jan
Kalyan Samiti, established in the year 2008 being registration No.



854/2009-10. On entering the office, one person namely Avinash Kumar Singh was found sitting there. He stated himself to be Supervisor of the organization. He further stated that Amarjeet Singh is founder and other members are Satyendra Kumar, Srikant Mallah and Hare Ram Paswan. It was disclosed that Rs. 3,200/- each was taken from females in the name of their appointment on the post of teachers. The females were told to enroll 30 child students of their vicinity on the payment of fees of Rs. 80/- per month. It is alleged that founders were being cheated on the assurance that they would get Rs.1,500/- per month and in the long run they would be made permanent teachers. It is alleged that receipts and other incriminating articles were seized.

Learned counsel for the petitioner has submitted that case has been registered on the basis of written report filed by the Circle Officer. The informant has alleged in the written report that few persons were sitting under the banner of Chand Jan KalyanSamittee. Police arrested one Avinash Kumar Singh who was sitting in the office. He discloses that he is Supervisor of the organization and one Amarjeet Singh is founder of the said organization. He further disclosed the name of other members as Satyendra Kumar, Srikant Mallah, Hare Ram Paswan and Vishal Kumar. It has further been submitted that First Information Report



is against Srikant Mallah, of Sasaram, whereas the petitioner is resident of Arrah. The father's name of Srikant Mallah is not mentioned in the First Information Report whereas the petitioner Srikant Kumar is son of Shiv Kumar Chaudhary, resident of village Shri Tola, P.S. Nawada, Distt. Bhojpur, but, the police is trying to arrest this petitioner on the basis of aforesaid confessional statement of the co-accused in the First Information Report. Therefore, the petitioner has apprehension.

From the written report itself it appears that the name of Srikant Mallah has been disclosed by the person who was arrested by the police. Moreover, in the First Information Report it is mentioned the identity of Srikant Mallah as resident of Sasaram, whereas the petitioner is son of Shiv Kumar Chaudhary.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Town (Aurangabad) P.S. Case No. 45 of 2017**, he shall be released on anticipatory 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, Aurangabad**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with



further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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