

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22326 of 2017

Arising Out of PS.Case No. -198 Year- 2016 Thana -CHENARI District- SASARAM (ROHTAS)

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Anil Kant Upadhyay, son of Late Manik Chand Upadhyay, resident of
Village- Mangaraon, P.S. Nasriganj Kachhawa, District- Rohtas.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dharmendra Kumar Singh, Advocate

For the Opposite Party : Mr. Nawal Kishore Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 06-07-2017 Heard learned counsel for the petitioner, learned

counsel for the informant and learned counsel representing the

State.

The petitioner apprehends his arrest in connection
with Chenari P.S. Case No. 198 of 2016, registered for the
offences punishable under Sections 409, 420/34 of the Indian
Penal Code.

Allegedly, the petitioner and other co-accused being
in conspiracy with each other grabbed the amount of Rs.
13,93,575/- on the basis of forged LPC and receipt of the farmers.

Submission is of false implication and that earlier
Nageshwar Tiwary has filed Complaint Case No. 1343 of 2010 on
the same facts and wherein the petitioner has been allowed pre-



arrest bail vide Cr. Misc. No. 3135 of 2011 by the Hon'ble Court and thereafter again this case has been filed in the light of direction of the Office of Chief Minister Bihar for the same offence the petitioner cannot be harassed twice, no such occurrence as alleged ever took place. from perusal of the F.I.R. it transpires that one Mahendra Prasad Singh has also executed the bond which is Annexure-2, prior to institution of the F.I.R. he will deposit the amount, so in the light of this fact the complicity of the petitioner never came into light, no sanction was granted against the petitioner, and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that it was the petitioner who in collusion and conspiracy grabbed the amount of Rs. 13,93,575/- after showing KCC loan in the name of poor farmers.

In the facts and circumstances as stated above, considering that for the same offence in Complaint Case No. 1343 of 2010 the petitioner has already been allowed pre-arrest bail and as such, in this case also in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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 A.C.J.M.-cum-S.J.-III at Sasaram, in connection with Chenari P.S. Case No. 198 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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