

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47145 of 2017

Arising Out of PS.Case No. -174 Year- 2017 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Santosh Kumar Singh, Son of Late Birendra Singh,
 2. Sunil Kumar Singh, Son of Late Birendra Singh, Both are Resident of Village- Ghorasahan, North Ward No. 7, P.S. Ghorasahan, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Rajendra Singh Shastriji

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 15-12-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the state.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Ghorasahan P.S. Case No. 174 of 2017 for the offences punishable under sections 420, 504 and 506 of the I.P.C.

Allegedly, the petitioners took Rs. 2,00,000/- in the year 2016 for the purpose of employment in the railways from the informant but neither employment was provided nor the petitioners returned the said amount and later on the petitioners returned Rs. 49,000/- through Bank Account.



Submission is of false implication and that the petitioners are full brothers, petitioner no. 2 has already filed Complaint Case No. 107 of 2017 on 04.04.2017 in the court of S.D.J.M. Sikrahna against the informant Pintu Kumar alleging therein that the informant has taken Rs. 49,000/- to supply Laptop to the petitioner Sunil Kumar but did not supply and committed cheating, in that case cognizance under sections 406, 417 and 504 of the I.P.C. have already been taken against the informant and to save the skin the informant lodged this false case with an intention to humiliate and pressurize the petitioners, the date of occurrence is January, 2016 but the F.I.R. has been lodged on 20.04.2017 and there is no explanation for the delay, the petitioner no.2 is the Government Teacher, during investigation the police has not found any material against the petitioners and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners by submitting that during investigation the witnesses have supported the allegation against the petitioners.

In the facts and circumstances stated above, considering that the complaint case is also going on against the informant, there is allegation and counter allegation and further considering the principle of *pari delicto*, the petitioners, in case of



their arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M, Sikasrahana, East Champaran at Motihari in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Abhay/-

(Jitendra Mohan Sharma, J)

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