

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53306 of 2017

Arising Out of PS.Case No. -438 Year- 2017 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Pawan Pandey @ Pawan Kumar Upadhayay, S/o Late Shashikant Upadhayay, R/o Village- Dobhi, P.S.- Dobhi, District- Gaya.
 2. Pintu Singh S/o Sri Tapeswar Singh, R/o Village- Amaraua, P.S.- Barachatti, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 10-11-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend arrest in connection with Mohania Police Station Case No. 438 of 2017 registered for the offences under sections 418, 419 and 420/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that save and except confessional statement of co-accused, Arbind Kumar @ Parmendra Kumar and Raj Kishore Gupta, there is no other material to connect the petitioners with the offences alleged. It is further contended that an omnibus allegation has been made against large number of persons including these



petitioners in the confessional statement made by the aforesaid two persons and out of them one co-accused having exactly identical allegation to that of the petitioners, has already been allowed anticipatory bail by one of the coordinate Bench of this Court vide order dated 17.10.2017. It has been further submitted that similarly situated two known persons namely, Saroj Gupta and Manoj Gupta have been allowed anticipatory bail by one of the coordinate Bench of this Court in Cr. Misc. No. 48597 of 2017 on 18.10.2017 and one Mosam Khan, who is owner of truck, has also been allowed bail by one of the coordinate Bench of this Court in Cr. Misc. No. 52211 of 2017 on 08.11.2017. The case of petitioners stands on similar footing to the case of co-accused who have already been granted anticipatory bail in the aforesaid cases and so the petitioners also deserve anticipatory bail.

Considering the fact that the case of the petitioners stands on similar footing to the case of co-accuseds who have been allowed bail by different coordinate Benches of this Court in the aforesaid cases, the prayer of anticipatory bail is allowed and the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania Police Station Case No. 438 of 2017, subject to the condition as laid down under section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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