

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28225 of 2018

Arising Out of PS.Case No. -4078 Year- 2016 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

=====

1. Laxaman Singh @ Laxshman Singh, Son of Mukandar Singh.
2. Mukandar Singh, Son of Late Subedar Singh. Both are Residents of
Village- Haluar Pipra, P.S. Sidhwalia, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Premshankar Singh, Son of Late Bhagwat Singh, Resident of Village-
Yadopur Sukul, P.S. Yadopur, District Gopalganj.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 05-09-2018 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in
a case registered for the offences punishable under Section
406 of the Indian Penal Code.

Allegation is that the petitioners took Rs. Four
Lacs from the complainant for purchase of a truck for joint
business. However, the money was misappropriated.

The learned court below has recorded in the
impugned order as follows:

*"I have gone through the case record. It
appears that petitioner Laxaman Singh*



purchased Truck No. WB 37A-5440 in his name and all the relevant papers are in his name. It also appears that there is no chit of papers to show that the complainant has paid Rs. Four Lacs to the petitioner and the said truck was not in joint name of the complainant and the petitioners. The documents filed by the complainant shows that petitioner Mukundra Singh (who is father of petitioner Laxaman Singh) made a receipt of taking Rs. 4 lac from the complainant which did not contain the date of transaction”.

In spite of aforesaid observation, the learned court below has found that this is not a fit case for grant of anticipatory bail.

When no criminal act was prima facie disclosed, there was no reason to refuse prayer for anticipatory bail, hence, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is



pending in connection with Complaint Case No. 4078 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

