

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67311 of 2018

Arising Out of PS. Case No.-243 Year-2018 Thana- MURLIGANJ District- Madhepura

1. Abdus Sattar, son of Mohammad Kari, Resident of Village- Jorganj, Post- Ekraha, Police Station- Jankinagar, District- Purnea, at present posted as Junior Engineer (J- 8161), Irrigation Sub Division, Bihariganj, District- Madhepura.
2. Chakleshwar Kharwar, son of Bala Kharwar, Resident of Plot No.401, Bokaro Steel City, Bokaro, Police Station- Bokaro Steel City, District- Bokaro, Jharkhand, the then S.D.O. (Assistant Engineer), Irrigation Sub Division, Bihariganj (Idj-9042), District- Madhepura, at present posted as S.D.O. (Assistant Engineer), Western Koshi Canal, Sub Division No.03, Kaluahi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 18-12-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Murliganj P.S. Case No.243 of 2018 registered under Sections 406, 409 and 402/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that falsity of the case would appear from the fact that for the same alleged occurrence i.e. cross drainage under construction on 28:00 R.D. of Sukhashan Distributory under Irrigation Division, Bihariganj before filing of the present case



on 17.03.2017 co-accused Arjun Chaudhary had filed Murliganj P.S. Case No.76 of 2017 dated 17.03.2017 under Sections 406 and 409 of the Indian Penal Code and in the said case vide order dated 05.12.2017 passed in Cr. Misc. No.54919 of 2017 a Bench of this Court has already granted pre-arrest bail.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners. However, he admitted that both the cases relate to same occurrence.

Considering the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioners are directed to 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 learned Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No.243 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Md. S/-

(Ashwani Kumar Singh, J)

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

