

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65143 of 2018

Arising Out of PS. Case No.-199 Year-2017 Thana- NAUHATTA District- Saharsa

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1. Kailash Mahton @ Shashikant Mahton @ Shashi Kant Mahto, Son of Late Baleshwar Mahto, Resident of Village- Khadaka Telwa, Police Station- Nauhatta, District- Saharsa.
 2. Sanjit Kumar Roy @ Sujit Kumar Roy, Son of Surendra Roy, Resident of Village- Nauhatta, Police Station- Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Upadhyay, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-12-2018 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 406, 420 and 384/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 04.12.2017 submitted by one Kanchan Devi, the then Panchayat Secretary, Block-Kahra, Saharsa to the Station House Officer, Nauhatta Police Station to the effect that the informant was the Panchayat Secretary of Nauhatta Block in the year 2014 and she was made executing agent in different schemes under the orders of the Block Development Officer and she had taken a huge amount of money for various works under



the different schemes, but neither the work completed nor the money was returned.

It is submitted by learned counsel for the petitioners that the present case has maliciously been lodged against the petitioner since the petitioner has earlier lodged Nauhatta P.S. Case No. 178 of 2015, impleading the present complainant Kanchan Devi, the then Panchayat Secretary for taking huge amount for execution of various works, but the work was neither completed, nor the money was returned, who subsequently, preferred Criminal Miscellaneous No.23458 of 2017 with a prayer for anticipatory bail, but a co-ordinate Bench of this Court vide order dated 11.07.2017 dismissed the prayer for bail, though she was ready to deposit the alleged amount of Rs.14,80,000/-. However, the learned Court below was directed to consider the prayer for regular bail of Kanchan Devi in view of the fact that she being a lady, and ready to deposit the amount allegedly taken by her. But she neither surrendered before the learned Court below, nor did she deposit the aforesaid amount and maliciously lodged present case as a retaliatory measure. There is nothing on record to suggest that either any money has been given to the petitioner or transferred in her bank account. Moreover, similarly situated co-accused Geeta Devi, the wife of



petitioner no.1 and other co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 58785 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioners.

Considering the nature of accusation and in view the fact that similarly situated co-accused has been granted bail, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 ACJM-III, Saharsa, in connection with Nauhatta P.S. Case No.199 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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