

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23676 of 2018

Arising Out of PS.Case No. -70 Year- 2017 Thana -TARARI District- BHOJPUR

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1. Shring @ Rajiv Kumar Singh @ Rishi Singh, aged about 28 years, S/o Hari Narayan Singh,
 2. Hari Narayan Singh, aged about 65 years,
 3. Shayam Narayan Singh, aged about 55 years, Both sons of Late Guput Singh, null
 4. Mumtaz Ahmad @ Mumtaj Khan @ Mumtaj Mian, aged about 30 years, S/o Md. Reyazuddin, All R/o Village & P.O.- Sara, P.S.- Tarari, District- Bhojpur at Ara

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Advocate Mr. Ram Kumar Singh, Advocate Mr. Akshansh Ankit, Advocate
For the Opposite Party/s	:	Mr. Smt. Gulnar Begam, APP
For the Informant	:	Mr. Shambhu Nath Thakur, Advocate Mr. Ajay Kumar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 26-04-2018

Heard learned counsel for the petitioners, the informant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406, 420, 467, 468, 471 and 120B/34 of the Indian Penal Code.

The prosecution case got initiated with the filing of Complaint Case No. 872 of 2017 by Ramji Singh which came to be registered as Tarari P.S. Case No. 70 of 2017 after



complaint being transferred under Section 156(3) Cr.P.C. on 01.09.2017.

The prosecution case is that the informant came in contact with co-accused Manoj Singh, who offered the informant to invest in the sand mining and construction business, to avail handsome returns and consequently, the informant paid Rs. Two lakhs to Manoj Singh in presence of several persons including the petitioner but neither the principal amount nor the profit ensuing thereof has been returned. Hence, the present case has been lodged.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against co-accused Manoj Singh. The agreement was entered between Manoj Singh and informant and not with the petitioners, but the petitioners have been roped in the present case, as an accused simply because they are family members of said Manoj Singh. It is further submitted that, in fact, the informant took money from Manoj Singh and issued cheque which got dishonoured as a result, legal notice was sent to the informant and subsequently the present case has been lodged. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.



It is submitted by learned counsel for the informant that the money was paid in presence and knowledge of these petitioners, hence, their connivance in the alleged offence cannot be ruled out.

Considering the rival submissions of the parties, since the thrust of accusation is against Manoj Singh and actually the payment was made to Manoj Singh, coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-IX, Bhojpur at Ara in connection with Tarari P.S. Case No. 70 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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