

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46204 of 2018

Arising Out of PS. Case No.-77 Year-2005 Thana- DUMARIAGHAT District- East
Champaran

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1. Gauri Shankar Singh, S/o Satyadev Singh, R/o Vill.- Rampur Khajuriya, P.S.- Kotwa, District- East Champaran.
 2. Bharat Tiwari @ Bharat Singh S/o Vidha Tiwari, R/o Vill.- Dubauli, P.S.- Kotwa, District- East Champaran.
 3. Nagendra Pandey @ Narendra Kumar Pandey S/o Late Vidyanand Pandey, R/o vill.- Parharwa Talab, P.S.- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 31-10-2018 Heard the learned counsel for the petitioners
and the State.

The petitioners seek bail in anticipation of their arrest in connection with Dumariya Ghat P.S. Case No. 77 of 2005 dated 29.10.2005 instituted for the offences under Sections 420, 467, 471, 12(B), 384/34 and 409 of the Indian Penal Code.

The First Information Report was lodged in the year 2005 by the Vice President, Agricultural Production Committee, Chakia, East Champaran, alleging that one Pandit Ram, Commerce Secretary, Chakia was found to be collecting money from farmers along with his



associates in an unauthorized manner. The informant knew Pandit Ram as a person who had been indulging in embezzlement for a long time. Consequently, the subject F.I.R. was registered for investigation against aforesaid Pandit Ram and other accused persons including the petitioners, who were named in the F.I.R. for offences under various Sections of the I.P.C. including Sections 420, 467 and 471.

Learned counsel for the petitioners has submitted that the police, after investigation, submitted final report false and a proposal also was made for initiating prosecution against the informant under Section 182 and 211 of the I.P.C. However, the learned Chief Judicial Magistrate, differing with the police report, took cognizance against the petitioners and other accused persons under Sections 420, 467, 471, 120(B), 384 and 34 of the I.P.C. vide order dated 23.08.2008.

The petitioners have not appeared before the Court since then.

For the fact that the cognizance in this case was taken way back in the year 2008, this Court is not inclined to grant anticipatory bail to the petitioners because of such unusual delay.

The prayer of the petitioners for being released on anticipatory bail is rejected.



However, if the petitioners surrender before the court below and seek bail, the court below shall take into account the afore-stated facts, especially that the major thrust of allegation is against Pandit Ram and the petitioners have only been named as associates of Pandit Ram and that in the investigation, the accusation against the petitioners was not found to be correct.

This Court expects that once the petitioners surrender before the court below, necessary order shall be passed in accordance with law, preferably on the same day.

With the aforesaid observation/direction, this anticipatory bail stands disposed off.

(Ashutosh Kumar, J)

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