

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50052 of 2018

Arising Out of PS.Case No. -61 Year- 2017 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Mukesh Kumar @ Kumesh Ram, Son of Yamuna Paswan, resident of
Village- Babhandih, P.S.- Nasriganj, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kapildeo Pandey, Son of Late Prasnan Pandey, resident of Village
Sansar Dihri, P.O. P.S. Karakat, District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sri Nityanand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 14-08-2018 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Rohtas Complaint Case No. 61 of 2017, disclosing
offences under Sections 406 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
there is general and omnibus allegation against this petitioner
and no specific overt act is attributed to him. In fact, the alleged
occurrence is of the year 2016 whereas a complaint case has
been lodged against the petitioner in the year 2017. Since the
matter relates to realization of money, therefore, the petitioners
may not be prosecuted under the criminal liability rather the



entire matter seems to be of civil in nature. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bikramganj (Rohtas), in connection with Complaint Case No. 61 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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