

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40343 of 2019**

Arising Out of PS. Case No.-782 Year-2018 Thana- LAKHISARAI District- Lakhisarai

1. BAIJ NATH PATHAK Son of Late Jagan Pathak Resident of Village-Mehshi, P.S.-Mehshi, District-East Champaran.
2. Ashok Rajak Son of Baldeo Rajak Resident of Village-Bhikhanpur, Bhattha Road,P.S-Ishak Chak, District-Bhagalpur.
3. Deobhushan Rai @ Bhushan Rai Son of Late Jyotish Rai Resident of Village-Bhikhanpur, Bhattha Road,P.S-Ishak Chak, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Lakhisarai. Lakhisarai
3. The Block Development Officer, Lakhisarai. Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jharkhandi Upadhyay,Advocate.
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

5 22-10-2019 Petitioners seek bail in anticipation of their arrest in connection with Lakhisarai P.S. Case No. 782 of 2018, registered for the offences punishable under Sections 409/34 of the Indian Penal Code.

As per direction of the Lokayukata the present case has been lodged against the petitioners to embezzlement of the money under different schemes.

Submission of the learned counsel for the petitioners is that after their retirement the present case has been lodged. There is no case has been made out against these petitioners and



considering the same one co-accused executive engineer has been granted privilege of anticipatory bail by co-ordinate Bench of this Court vide order dated 27.8.2019 passed in Criminal Miscellaneous No. 53628 of 2019.

On the other hand, learned A.P.P has opposed the prayer of bail.

Having heard both sides, in view of the allegation as discussed above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned Court below and make prayer for regular bail which shall be considered on the basis of material available on record and also considering the fact that other co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court, considering the same the prayer of bail shall be disposed of without being prejudice by dismissal of this order by this Court possibly on the same day.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

T.Kr./-

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

