

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72495 of 2019

Arising Out of PS. Case No.-387 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Krishnandan Prasad @ Krishan Nandan Yadav, Son of Late Rameshwar Prasad, Resident of Village - Chhapera Tar, P.S.- Pandarak, District- Patna
 2. Bablu Kumar @ Bablu Kumar Yadav, Son of Krishnandan Prasad @ Krishan Nandan Yadav, Resident of Village - Chhapera Tar, P.S.- Pandarak, District- Patna
 3. Sohagi Devi, Wife of Krishnandan Prasad @ Krishan Nandan Yadav Resident of Village - Chhapera Tar, P.S.- Pandarak, District- Patna
 4. Satendra Kumar, Son of Naresh Prasad, Resident of Village - Chhapera Tar, P.S.- Pandarak, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyam Nandan Prasad, Son of Late Shital Prasad, Resident of Village - Chhapera Tar, P.S.- Pandarak, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioners and the
learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Complaint Case No.387(C) of 2014 registered for the offence punishable under Sections 406, 420, 120B, 427 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners had earlier filed an application for anticipatory bail



in the Court of Sessions on 25.04.2016 and they were granted anticipatory bail vide order dated 15.06.2016 passed by the then learned Additional Sessions Judge-VII, Patna. However, due to certain unforeseen circumstances, the applicants could not surrender before the court below.

It is submitted that the daughter-in-law of the petitioners was taken ill due to some chronic disease and treated at AIIMS, Delhi where she died and due to such disturbance within the family, the time fixed for surrender lapsed and on a subsequent application made by them for grant of anticipatory bail, the same was refused by the court below.

On the merit of the case, it is submitted by the learned counsel for the petitioners that a false case has been filed for getting rid of the complaint bearing No.373© of 2014 filed by the applicant no.1 for cheating by the complainant because two cheques which had been given by Shyam Nandan Prasad had got dishonoured. However, later on, the amount was received by petitioner no.1 and since he had stopped appearing in the complaint case, the complaint case was dismissed.

Learned counsel for the petitioners submits that they will attend the court as and when required and therefore, may be extended the privilege of anticipatory bail. It is further



submitted that only on account of non-appearance and non-filing of the bail bonds, the earlier order could not be complied and in all bona fides will surrender, if extended the privilege of pre-arrest bail.

Considering the aforementioned facts and circumstances and the nature of allegation, let all the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Barh, Patna, in connection with Complaint Case No.387(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioners do not surrender with the aforesaid period, the period so granted shall not be extended and the order passed in the present application shall stand withdrawn automatically.

(Anjana Mishra, J)

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