

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79974 of 2019

Arising Out of PS. Case No.-155 Year-2017 Thana- CHAUTHAM District- Khagaria

ALAKH NIRANJAN S/O- late Rameshwar Prasad Singh Resident of Village and P.O.- Ranipur, P.S.- Islampur, District- Nalanda. presently residing at Akhil Yamuna Residency, Mother Teresa Road, West Ram Krishna Nagar, P.S.- Ram Krishna nagar, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jainandra Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-12-2019 Heard learned Senior Counsel for the petitioner and the learned APP for the State.

Petitioner apprehends arrest in Chautham PS Case No. 155 of 2017 registered under Sections 406 and 420 of the IPC. Allegation is that informant had paid money to the petitioner for illegally obtaining employment.

It is submitted by learned Senior Counsel that the allegations itself are such that the informant cannot absolve himself of the liability arising out of such illegal transaction which allegedly forms basis of the prosecution.

The allegations are at best made with oblique motive of making recovery from the petitioner of the amounts allegedly paid to the petitioner for illegitimate purpose. Offences under Sections 406 and 420 would not be made out since very consideration of the payment was illegal.

Learned APP for the State opposes the prayer.

Considering the aforesaid submissions prayer for anticipatory bail of the petitioner is allowed.



In the event of arrest or surrender before the court below within four weeks from today, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Khagaria in Chautham PS Case No. 155 of 2017 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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