

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8775 of 2020

Arising Out of PS. Case No.-286 Year-2019 Thana- JOKIHAT District- Araria

LALU BISHWAS @ LALU KUMAR BISHWAS S/o Mangan Bishwas R/o
village- Kalkali Ward No. 13, P.S.- Mahalgaon, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420, 406, 409, 504 and 323 of the Indian Penal Code.

Initially, the prosecution case got initiated with filing of Complaint Case No.180C of 2019, which came to be registered as police case, being Jokihat (Mahalgaon) P.S Case No.286 of 2019, after being transferred under Section 156(3) of the Code of Criminal Procedure to the police for investigation.

As per the complaint petition Rs.50,000/- was sanctioned in favour of the complainant, Mostt. Sabari under the scheme Indira Awas and the said amount was credited in her



bank account, but petitioner, Lalo Biswas, being the ward member and the co-accused Santosh Yadav, fraudulently, withdrew Rs.10,000/- each after obtaining thumb impression of the complainant.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, it is not in dispute that the alleged withdrawal was made with the thumb impression of the complainant. It is further submitted that the complainant has retracted from the initial version and has filed a petition to that effect before the learned Court below. Moreover, the complainant herself appeared before the learned Court below to support the factum of compromise which is apparent from the impugned order itself. It is further submitted that the similarly situated co-accused person, namely, Santosh Yadav @ Santosh Kumar Yadav @ Bijlu has already been granted the privilege of anticipatory bail by an order dated 14.02.2020 passed by a co-ordinate Bench of this Court passed Cr. Misc. No. 79419 of 2019.

It is submitted by learned APP for the State that the thrust of accusation is against the petitioner.

Considering the nature of accusation and retracted version of the complainant, let the above named petitioner be



released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Araria, in connection with Jokihat (Mahalgaon) P.S. Case No.286 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Mohit Kumar Shah, J)

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