

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68889 of 2019

Arising Out of PS. Case No.-104 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Dudhnath Bind @ Lagher Bind, Son of Ramdas Bind, Resident of Village - Pahadiyan, P.S.- Bhagwanpur, District - Kaimur.
 2. Ramraj Bind @ Bhola Bind, Son of Kedar Bind.
 3. Ramdhari Bind @ Ramdhani Bind, Son of Dudhnath Bind,
Petitioner nos. 2 and 3 are resident of Village - Pahadiyan Khurd, Post
Office - Pahadiyan, P.S.- Bhagwanpur, District - Kaimur.

... .. Petitioners

Versus

1. The State of Bihar
2. The Registrar General, Patna High Court, Patna Bihar

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Najmul Hoda, Advocate
For the Opposite Party-State:	:	Mr. Anand Mohan Prasad Mehta, APP
For the Informant	:	Mr. Bindhyachal Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the High Court.

The petitioners seek pre-arrest bail in connection with Complaint Case No.104(C) of 2017 registered for the offence punishable under Sections 191, 192, 193, 196, 198, 199, 200, 417, 463, 465, 466, 474 and 120B of the Indian Penal Code.

The petitioners are being prosecuted for various offences of the Indian Penal Code on the basis of a complaint which was registered pursuant to directions given by a Bench of



this Court vide order dated 17.03.2017 passed in MJC No.1073 of 1999. While passing the aforesaid order dated 17.03.2017, the court has observed that it is a very serious matter where an appeal filed by one Ram Swaroop Bind and one Radha Devi against the respondents was withdrawn by the respondents by playing fraud upon the Court.

Learned counsel appearing for the petitioners submitted that the petitioners are innocent and their implication in the case is bad in law. He submitted that except the offence under Section 466 of the Indian Penal Code all other offences are bailable in nature. The ingredients of the offence under Section 466 of the Indian Penal Code are not attracted in the present case. He has further contended that the petitioners being quite old and suffering from various ailments would suffer irreparable injury if they are sent to judicial custody.

Learned counsel for the State and learned counsel for the High Court have vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. They have stated that the suppression, manipulation and fraud committed by the petitioners would also attract the offences under Sections 467 and 471 of the Indian Penal Code. They have contended that merely because the Court has not taken cognizance of those



offences at the initial stage, it cannot be said that all the offences alleged against the petitioners except section 466 of the Indian Penal Code are bailable in nature.

Be that as it may, regard being had to the fact that by an act of manipulation, suppression and fraud upon the Court, an order was obtained and the complaint has been filed pursuant to the directions of this Court, I am not inclined to grant pre-arrest bail. Their prayer for grant of pre-arrest bail is rejected.

In case the petitioners surrender and seek bail, the same shall be considered on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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