

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28166 of 2020

Arising Out of PS. Case No.-161 Year-2019 Thana- CHAND District- Kaimur (Bhabua)

1. SIKANDER DHOBI S/o Tahasil Dhobi
2. Manish Dhobi S/o Tahsil Dhobi
Both Resident of Village-Kharauli, P.S.-Chand, District-Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bikramdeo Singh, Adv.
Mr. Uday Pratap Singh, Adv.
For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 12-01-2021 Heard both sides.

The petitioner No.2, namely, Manish Dhobi apprehends his arrest in Chand P.S. Case No.161 of 2019 registered under Sections 401, 420, 406, 327, 382, 504, 506, 489(A), 489(B), 489(C), 489(D) of the Indian Penal Code.

The learned counsel for the petitioners submits that petitioner No.1, Sikander Dhobi has already been arrested and petitioner No.2 (Manish Dhobi) is not named in the F.I.R. The informant has made specific allegation that he had talk with one Arman to purchase silver coin. When the informant went to the house of Arman one lady aged about 40 years and two persons namely, Naim and another old aged person came. The old aged person showed the entire silver coin but they took Rs.85,000/-



from the informant and Rahman Shah and did not hand over the silver coin. It is further alleged that they threatened the informant and his man and also snatched money, mobiles but on the next day, the informant informed the police. A raid was conducted and on the basis of photographs, people disclosed that they are Pintu Giri and Tahsil Dhobi.

The learned counsel for the petitioner No.2 submits that petitioner No.2 is son of Tahsil Dhobi. In the F.I.R. itself, the informant did not disclose the participation of any other person save and except the name of Arman, Naim, a lady and one old aged person. Petitioner no.2 is aged about 18 years and the informant did not disclose the presence of any young boy on the place of occurrence when his father was dealing with the informant and his man for selling silver coin. It is further submitted that Pintu Giri and Tahsil Dhobi impersonated themselves as Arman and Naim. Pintu Giri has already been enlarged on anticipatory bail vide order passed in Cr. Misc. No.1226 of 2020 by a co-ordinate Bench of this Court. Of course, huge quantity of fake currency notes is said to have been recovered but the petitioner No.2 has been made accused in the case only because he happens to be the son of Tahsil Dhobi. Hence, the petitioner No.2 deserves anticipatory bail.



Mr. B.N.Pandey, learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioner No.2 and submitted that Tahsil Dhobi confessed his guilt and disclosed the involvement of his two sons namely, Sikander Dhobi and Manish Dhobi. Sikander Dhobi has already been arrested and he is in custody. It is further submitted that during the course of investigation, the witnesses have also stated the participation of petitioner No.2 Manish Dhobi the another son of Tahsil Dhobi.

Perused the record. It appears from perusal of the F.I.R. itself that the informant had talk with Arman on his telephone for purchasing silver coin. When the informant went to the single storey house of Arman, two persons and one lady were present in the house and out of whom one person was identified as Pintu Giri and another person was identified as Tahsil Dhobi. The old person showed the silver coin and there was talk for purchasing the entire silver coin. A lady was also shown at the place of occurrence but the lady was not identified. The informant alleged that Arman, Naim and an old man snatched money and when the police went to the house of Arman, huge quantity of fake currency notes were recovered. The presence of the petitioner No.2 was not even noticed at the time of occurrence or thereafter. Pintu Giri has already been



granted anticipatory bail. Thus, I find that petitioner No.2(Manish Dhobi) deserves anticipatory bail. Accordingly, the same is allowed.

Taking into consideration the facts aforesaid, let the petitioner No.2, namely, Manish Dhobi, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IV, Kaimur at Bhabua in connection with Chand P.S. Case No.161 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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