

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40491 of 2020

Arising Out of PS. Case No.-210 Year-2019 Thana- DURAULI District- Siwan

1. SUNIL KUMAR SINGH Son of Late Shambhu Singh Resident of Village - Krishnapali, P.S.- Darauli, District - Siwan.
2. Awanish Kumar Mishra Son of Satyadeo Mishra Resident of Village - Gopalpur, P.S.- Darauli, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Ajay Kumar Pandey
State	:	Mr. Jharkhandi Upadhyay, APP (In-charge)
For the Informant	:	Mr. Javed Aslam,

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 29-10-2021 Heard learned Senior Counsel for the petitioners and learned counsel for the informant as well as learned Additional Public Prosecutor appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Darauli P.S. Case No. 210/2019 registered for the offences punishable under Sections 341/323/353/427/409/420/504/506/34 of the Indian Penal Code.

It is a case of the petitioners that though the contract work was completed by the main contractor and they are sub-contractors still due to some extraneous dispute with the main contractor, this F.I.R. was registered by the informant without informing his superiors and without seeking any permission



from his superiors for registering the F.I.R.

In the supplementary affidavit, the petitioners have annexed the certificate dated 01.02.2020 granted by the Principal of the School certifying that work has been completed.

It seems that co-accused (main contractor) has already been granted anticipatory bail vide order dated 07.06.2021 passed in Cr. Misc. No. 39661 of 2020.

From the records of the case, it is apparent that the informant being a government servant has acted *malafide* and has filed the F.I.R. without informing his superiors and seeking permission from them for filing the present F.I.R.

In these circumstances, the petitioners are granted anticipatory bail.

Let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIth, Siwan, in connection with Darauli P.S. Case No. 210/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

In that view of the matter, the informant is directed to



pay a sum of rupees ten thousand from his personal account in the account of Legal Aid Authority, Siwan, within 15 days from today and, thereafter, will file the same in the learned Court below.

With the aforesaid order and direction, this application is allowed.

(Sandeep Kumar, J)

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