

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18257 of 2023

Arising Out of PS. Case No.-2 Year-1999 Thana- PHENHARA District- East Champaran

1. Brijmohan Singh S/O Yugal Kishor Singh Resident Of Village-Baniya Pur,
P.S- Baniya Pur, Distt.- Saran (Bihar)
2. Rameshwar Mahto S/O Late Ramsundar Mahto R/O Village- Sarsawa Ghat,
P.S- Chiraiya, Distt.- East Champaran (Bihar)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Bhushan, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Fenhara P.S. Case No. 02/1999 registered for the offences punishable under Sections 420 and 409 of the Indian Penal Code. Petitioner no. 1 has got one criminal antecedent whereas petitioner no. 2 has no any criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the petitioners were working under the supervision of Khadi Gramodyog Ayog. The uncle of the informant was interested in installation of Bio-Gas Plant. The accused persons informed the uncle of the informant regarding registration of the same after payment of Rs. One



thousand. It is stated that after completion of the Plant the uncle of the informant requested for other materials and machinery but the accused persons overlooked it and due to that the Plant started gas leaking. It is further alleged that accused persons fraudulently cheated the uncle of the informant.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that after completion of the plant and satisfaction of the uncle of the informant the certificate was granted by the accused persons and the plant was properly functioning.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that they were working under the supervision of the Khadi Gramodyog Sangh and the Bio-Gas Plant was installed only after the uncle of the informant had shown interest in the same and had got himself registered for that purpose, the further submission being that the defect, if any, in the installation of the Bio-Gas Plant cannot be said to be act in which a criminal prosecution may be launched against the petitioners, the matter



was referred before the Lok Adalat finding that it is one of those cases in which settlement may take place, in the circumstances, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikarahana, Motihari in connection with Fenhara P.S. Case No. 02/1999, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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