

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41059 of 2023

Arising Out of PS. Case No.-283 Year-2022 Thana- GAYA MUFASIL District- Gaya

Deepak Kumar @ Shubham Kumar Son Of Bullu Ravidas @ Bhoju Das
Resident Of Village- Bagahi Khurd, Ps- Muffasil, Distt- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 409, 420, 34 of the I.P.C.

3. As per the prosecution case, the informant has alleged before the District Magistrate, Gaya that the accused persons have taken her Rs.10,000/- payable towards *Pradhan Mantri Awas Yojana* by obtaining her finger fraudulently.

4. Learned counsel for the petitioner submits that the case has been filed under wrong impression. Counsel submits that during investigation, it has come that informant has not filed this case rather her finger has been obtained, which has been used by the enemies of the accused persons of the F.I.R.

5. Learned counsel for the petitioner further submits that as per his information provided by the *pairvikar* of the case

that a compounding petition/ compromise was also filed before the Court below.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that this matter has been sent to the District Magistrate, Gaya thereafter, acknowledged by the D.D.C, Gaya and B.D.O., Gaya and thereafter recommended for the F.I.R.

7. In the present facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Gaya-Mufassil P.S. Case No. 283 of 2022, dated 01.05.2022 to the satisfaction of learned C.J.M., Gaya.

8. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

9. However, the learned Court below shall consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks.

10. This Court directs the Trial Court that he upon considering all factual matrix of this case shall decide on the basis of merit of this case without being prejudice from the rejection made by this Court.

(Dr. Anshuman, J.)

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