

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37386 of 2023

Arising Out of PS. Case No.-103 Year-2015 Thana- KAHALGAON District- Bhagalpur

1. Mina Devi Wife Of Om Prakash Pandit @ Guddu Pandit Resident Of Village - Ladma, PS- Kahalgaon, Distt- Bhagalpur
2. Guddu Pandit @ Om Prakash Pandit Son Of Laxman Pandit Resident Of Village - Ladma, PS- Kahalgaon, Distt- Bhagalpur
3. Rajesh Kumar Choudhary Son Of Baidnath Choudhary Panchayat Sachiv Resident Of Village - Ladma, PS- Kahalgaon, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Pankaj Kumar, learned counsel for the petitioners and Mr. Kumar Veerendra Narayan, learned APP for the State.

2. The petitioner no.1, who happens to be Sarpanch whereas petitioner no.2 is the husband of petitioner no.1 and the petitioner no.3, is the Secretary, Gram Panchayat, are apprehending their arrest in connection with Kahalgaon P.S. Case No. 103 of 2015 registered for the offences punishable under Section 406 of the Indian Penal Code.

3. It is alleged that the petitioners in collusion with each other intentionally suppressed and concealed the documents



filed by the informant for taking illegal consideration from him in lieu of passing judgment though he had filed a case for title of land before Gram Kachari way back in the year 2012-13

4. Learned counsel for the petitioners submits that the case filed by the informant for title of land being Case No. 25/2012-13 has already been dismissed vide order dated 21.07.2013 by the Gram Kachari of Ojari Panchayat and there is no case pending and with respect to the land in question, there is a case pending before the Civil Court, Bhagalpur. He further submits that the allegation of concealment/suppression of documents is palpably false and incorrect and prior to the institution of this case, there had never been any complaint filed on behalf of the informant before any of the authority. He next submits that even as per the allegation made in the FIR, there is no ingredient suffice to constitute any offence, much less under Section 406 of the Indian Penal Code. Taking note of the aforesaid factual position, the petitioners were allowed the benefit of 41(A) CrPC during investigation. However, having charge-sheet been submitted, the learned court below has taken cognizance of the offence as alleged in the FIR. Hence, the present application.

5. On the other hand, learned counsel for the State



opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the case relating to the title of the land of the informant has been dismissed way back in the year 2013, coupled with the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 9th, Bhagalpur in connection with Kahalgaon P.S. Case No. 103 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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