

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61355 of 2023

Arising Out of PS. Case No.-75 Year-2019 Thana- SAHAR District- Bhojpur

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1. OM PRAKASH SINGH S/O LATE RAJ BIHARI SINGH R/O VILLAGE -
DHAURI, P.S. -SAHAR
 2. BIMLA DEVI W/O - LATE RAJ BIHARI SINGH R/O VILLAGE -
DHAURI, P.S. -SAHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 1. Heard the learned counsel for the petitioners and
learned APP for the State.

2. This is an application for grant of anticipatory bail
in connection with Sahar P.S. Case No.75 of 2019, registered for
offences under Sections 406, 420, 467, 468, 469 and 471 of the
IPC.

3. The accused persons are alleged to have
misappropriated the amount of death-cum-retiral benefit of the
father of the informant.

4. The learned counsel for the petitioners has submitted
that the petitioners are innocent, they have been falsely
implicated in the present case and they are having a clean



antecedent. The learned counsel for the petitioners has further submitted that admittedly the death-cum-retiral dues of the father of the informant was given to the father of the deceased, namely, Raj Bihari Singh, in the year 2013-14, since the informant was a minor at that point of time. It is also submitted that as far as the petitioner no.1 is concerned, he is uncle of the informant and as far as the petitioner no.2 is concerned, she is grand mother of the informant, hence admittedly they cannot be having any complicity in the matter. It is next submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail vide orders dated 22.08.2023 and 23.08.2023, passed by a co-ordinate Bench of this Court, in Cr.Misc.No.48294 of 2023 and Cr.Misc.No.49166 of 2023, respectively.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons, who have already been granted the privilege of anticipatory bail by a co-



ordinate Bench of this Court, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7.Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhojpur at Ara, in connection with Sahar P.S. Case No.75 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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