

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76170 of 2023

Arising Out of PS. Case No.-857 Year-2022 Thana- KHAGARIA District- Khagaria

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1. Kanhaiya Singh @ Kanhaiya Kumar S/O Sachitanand Singh @ Sacho Singh Resident Of Village-Tika Rampur, Mathurapur, P.S.-Khagaria District-Khagaria
 2. Rohit Kumar @ Rohit Singh S/O Sachidanand Singh @ Sacho Singh Resident Of Village-Tika Rampur, Mathurapur, P.S.-Khagaria District-Khagaria
 3. Gangadhar Singh @ Gangadhar Kumar S/O Sachidanand Singh @ Sacho Singh Resident Of Village-Tika Rampur, Mathurapur, P.S.-Khagaria District-Khagaria
 4. Karamvir @ Karamvir Kumar S/O Ajay Singh Resident Of Village-Tika Rampur, Mathurapur, P.S.-Khagaria District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 29-11-2023 Heard Mr. Ram Sumiran Rai, learned counsel

appearing on behalf of the petitioners and the learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Khagaria P.S. Case No. 857 of 2022, registered for the offences punishable under Sections 420, 363 and 506/34 of the Indian Penal Code.

3. The prosecution case is based upon the written report of the informant alleging therein, that the daughter of the



informant on the allurement of all the FIR named accused persons, including the petitioners have transferred altogether six lakhs on different dates to the petitioners and others from the joint account of the informant and his wife. When the informant came to know about the aforesaid incident on 10.05.2022, he tried to inquire the matter, however, in the meantime, the daughter of the informant left her house on 07.08.2022 by keeping a letter in her house, thereafter, the present FIR has been instituted.

4. Learned counsel appearing on behalf of the petitioners submits that from the FIR, it is evident that the informant came to know about the aforesaid transaction on 10.05.2022 itself, and the present FIR has been instituted on 17.08.2022 and no plausible reason has been assigned for delay in lodging of the FIR, moreover, the daughter of the informant, who transferred the money on different date and times to the accused persons, including the petitioners, whose statement was recorded under Section 164 Cr.P.C., wherein, she has categorically stated that she transferred the money in the account of the petitioners and others in order to get cash money from them for her expenses. She has alleged that her father used to torture her and this was the reason that she left her house. She



has specifically alleged that she had never been threatened or allured at the hands of the petitioners. Learned counsel for the petitioners lastly submits that the petitioners are men of fair antecedent and they undertake that they will fully co-operate in the investigation or in the proceeding of the Court and will not indulge in intimidating the witnesses of the informant.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the money has been received by the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 Cr.P.C., the copy of which has been marked as Annexure – 2 to the bail application, coupled with the delay in lodging of the FIR and the fair antecedent of the petitioners, 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 the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 857 of 2022, subject to the conditions laid down in



Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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