

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71135 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- BHORE District- Gopalganj

Sanjay Chaubey @ Sanjay Kumar Chaubey Son of Late Anirudh Chaubey
R/O-Village- Mathauli, P.S- Bhorey, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Vibhakar Kumar, Adv.
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-10-2024 Heard learned senior 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 Section 386 of the Indian Penal Code.

3. As per FIR, petitioner is said to have collected tax for six months illegally from Sisai Bazar causing loss to the Zila Parishad, Gopalganj.

4. It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally



false and based on concocted facts. It is further submitted that no opportunity was given to the petitioner prior to instituting the instant FIR seeking his explanation. The informant of this case had already lodged an FIR for the same occurrence vide Bhorey P.S. Case No. 10/2024 against elder brother of the petitioner, namely, Rabindra Chaubey. Learned senior counsel further submits that enquiry letter dated 12.10.2023 annexed as Annexure-P/3 to this petition shows the involvement of elder brother of the petitioner, but there is no cogent material available against this petitioner. He has been made accused in the present case merely because he is brother of co-accused Rabindra Chaubey, who has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 30.09.2024 passed in Cr. Misc. No. 37846 of 2024. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, since similarly situated co-accused has been granted anticipatory bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bhorey P.S. Case No. 65 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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