
(2017) 01 JH CK 0141
In the Jharkhand High Court
Case No : 3320 of 2016

Amrendra Nath Mishra

APPELLANT

Vs

Sainik School Society

RESPONDENT

Date of Decision : 25-01-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 82](#), [Section 438\(2\)](#) - Proclamation for person absconding - Direction for grant of bail to person apprehending arrest
[Indian Penal Co](#)

Citation : (2017) 01 JH CK 0141

Hon'ble Judges : Anant Bijay Singh

Bench : SINGLE BENCH

Advocate : R.S. Mazumdar

Judgement

1. The petitioner is apprehending her arrest in connection with Khunti P.S. Case No. 52 of 2016, registered under Sections 420, 467, 468, 471 and 506 of the I.P.C., lodged on the basis of one written report given by Sanju Devi, alleging that she was appointed as Booth Level Officer - cum - Anganbari Sevika under the Election Commission. It is alleged that one Guria Gupta, Booth Level Operator and the informant was given work for verification of the BPL and APL forms and Ward Commissioner Anjali Sunita Gope (petitioner) came and threatened her with dire consequences. On the basis of these allegations, the instant case was instituted. The instant anticipatory bail application was filed on 20.08.2016 and further on 06.09.2016, case diary was called for and interim order was passed.

2. It appears that the State has appeared and filed a counter affidavit, in which it stated that the process under Section 82 of the Cr.P.C. was issued against the petitioner.

3. When the case was taken up, learned counsel for the petitioner has submitted that process issued under Section 82 of the Cr.P.C. on 08.08.2016 was

challenged in Cr.M.P. No. 2183 of 2016 and a Coordinate Bench of this Court under order dated 28.09.2016 has set aside the order issuing process under Section 82 of Cr.P.C.

4. Learned counsel for the petitioner has submitted that as on the date of final hearing of the bail application the process has been set aside, so in light of the judgment passed in the case of S.R. Bommai Vrs. Union of India reported in (1994) 3 SCC 1, this anticipatory bail application is maintainable.

5 Admittedly, when hearing was done, the process under Section 82 of the Cr.P.C. has already been set aside, so without directing the learned counsel for the petitioners to withdraw this application and to move before the learned Sessions Judge afresh, the matter was heard on merits.

6. Learned counsel for the petitioner has submitted that petitioner has been falsely implicated in this case and none of the witnesses examined during course of investigation has supported the case of prosecution.

7. It is submitted that prior to lodging of this case petitioner had made complaint against the informant on 10.05.2016 by Annexure-5.

8. Taking all these facts and circumstances and also the fact that petitioner is a lady, I am inclined to admit the petitioner on anticipatory bail. The above named petitioner is directed to surrender in the Court below within four weeks from the date of this order and in the event of her arrest or surrender, the Court below shall enlarge the above named petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Khunti, in connection with Khunti P.S. Case No. 52 of 2016, corresponding to G.R. No. 171 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.