

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48757 of 2014

Arising Out of PS.Case No. -1283 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

- =====
1. Arjun Choudhary Son of Late Rajendra Choudhary Resident of village - Musapur, P.S. - Korha, District - Katihar.
 2. Pappu Gupta Son of Arjun Lal Gupta Resident of Village AND P.S. - Korha, District - Katihar.

.... Petitioners

Versus

1. The State of Bihar
2. Pankaj Kumar Gupta, so of Bishundeo Gupta, village Falka Bazar, P.S. Korha, District Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad , Adv.

For the Opposite Party/s : Mrs. Rita Verma(App)

For O.P.No.2 : Mr. Sanjeev Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 16-07-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under section 420/34 of the Indian Penal Code and that the case seems to be one of business transaction, wherein the complainant- O.P.No.2 to have sent certain goods through the petitioners, the transporters, this Court could have at least found the allegations to have some credibility if the complainant- O.P.No.2 had produced documentary evidence of booking of such material by him. Since that has not been produced before this Court and the petitioners have got no criminal antecedent, the petitioners will be definitely entitled for privilege of anticipatory bail.



Thus, if the petitioners, Arjun Choudhary and Pappu Gupta, surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar in Complaint Case No. 1283/2013, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

surendra/-

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