

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28171 of 2014

Arising Out of PS.Case No. -1093 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

1. Ritesh Anand, Son of Sunil Kumar Sinha

2. Shashank Kumar, Son of Sunil Kumar Sinha

Both Resident of Mohalla-Paharchak, P.O.-Suhird Nagar, P.S.-Begusarai,
District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

2. Abhishek Kumar Sinha, S/o Ashutosh Kumar, Mohalla- Mehandibagh,
Gujrati Dharamshala, Gowadri Road, P.S.- Civil Lines, District- Gaya

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Raj, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha 2 (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

10 08-01-2015 Heard learned counsel for the petitioners and
learned counsel representing the State.

The petitioners apprehending their arrest in connection with Complaint Case No. 1093(C) of 2013 registered for the offence under Sections 406, 420, 323, 504/34 of the Indian Penal Code seek privilege of pre arrest bail.

It is alleged that the petitioner no.1 being teacher in N.I.I.T, Gaya was known to the complainant as the complainant was student and obtained the degree from that N.I.I.T and in that way the petitioners induced the complainant

to arrange amount of Rs. 1,50,000/- and then become a partner in Mind Stone Soluation Private Limited which is being run by his brother Shashank Kumar and accordingly the complainant gave Rs. 1,50,000/- in presence of the witnesses, but thereafter nothing has been done and they cheated the amount.

Submission is that the petitioners have not taken any amount and only with a view to put pressure this case has been lodged. Moreover, there is no cheat of paper in proof of the payment. The petitioner no. 1 is the respectable person being teacher and at present he has been transferred to Begusarai, petitioner no. 2 has got no concern with the complainant and as such they deserve sympathetic consideration to which the learned counsel for the complainant opposes by submitting that the petitioners have cheated taking advantage of their position.

Be that as it may, considering the dispute of civil nature, the petitioners in case of arrest or surrender before the court below within one month from the date of receipt/production of a copy of this order, the petitioners namely Ritesh Anand and Shashank Kumar shall be released on bail on execution of bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Complaint Case No. 1093(C) of 2013 with

condition as laid down under Section 438(2) Cr.P.C. with further condition that one of the bailor shall be a near relative and another having sufficient immovable property within the jurisdiction of the Court.

(Jitendra Mohan Sharma, J)

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