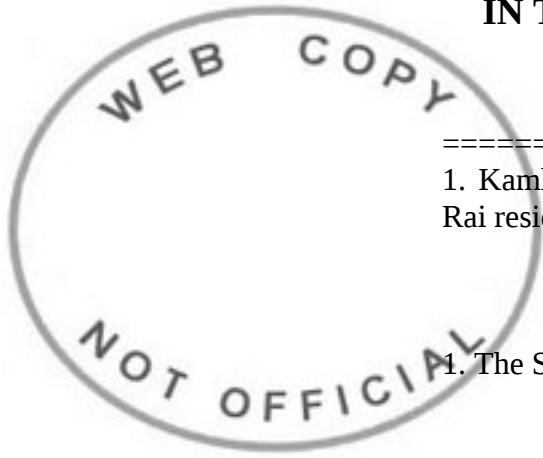




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35387 of 2015

Arising Out of PS.Case No. -266 Year- 2015 Thana -BIHTA District- PATNA

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1. Kamlesh Kumar @ Kamlesh Kumar Rai S/o Umesh Prasad @ Umesh Rai resident of village- Bilap, P.S.- Bihta, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420,406,467,468,471 and 120B of the Indian Penal Code.

The prosecution case is that Dashrath Kumar, Alok Gunjan, Jitendra Kumar and Z.A. Khan persuaded the informant to purchase the land of one Sudarshan Prasad Mehta, consequently the agreement to sale was executed between Sudarsan Prasad Mehta and the informant on which all the above four accused persons signed as witnesses. Subsequently, through several transactions the informant paid

eighteen lacs rupees but ultimately the informant came to know that Sudarsan Prasad Mehta died in 2003 and aforesaid four persons cheated the informant.

It is submitted by the learned counsel for the petitioner that the petitioner is not a party to the agreement to sale nor he has signed as a witness and in the subsequent statement the informant has suggested that petitioner never came to his house and the name of the petitioner was suggested by co accused Jitendra Kumar.

It is submitted by learned counsel for the informant that the petitioner impersonated the original land owner Sudarsan Prasad Mehta and signed the agreement.

Considering the fact that the petitioner is not a party to the agreement to sale and Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Danapur in connection with Bihta P.S. Case

No.266 of 2015 subject to the conditions as laid down under
Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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