

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38083 of 2015

Arising Out of PS.Case No. -223 Year- 2012 Thana -KHARAGPUR District- MUNGER

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1. Vijay Singh @ Vijay Kumar son of Nawal Kishore Singh
 2. Dipak Kumar Singh @ Dipak Kumar son of Sri Vijay Singh Both are resident of village- Bahadurpur, P.S.- Gilani, P.S.- Sare, District- Nalanda
 3. Nawal Kishore Singh @ Nawal Singh son of Late Bankey Singh
 4. Sonu Kumar Singh @ Sonu Kumar son of Arun Singh Both resident of village- Khetalpura, P.S.- Sare, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. P.K.Chaurasiya(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-09-2015

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 149,420,467 and 468/34 of the Indian Penal Code.

The prosecution case is that the petitioners, under an agreement, agreed to install a tower of SISPL mobile company and realized eighty thousand rupees. It was also agreed that rupees two thousand seven hundred per month will be paid as rental to the informant with additional increase of ten percent rental after every three years but neither the mobile tower was installed nor the money was returned.

It is submitted by the learned counsel for the petitioners that for the agreement made in 2009-10 the complaint was filed in 2012 and as per own admission of the informant in paragraph 3 of the complaint that the tower in question was raised up to 30 ft, hence the part of agreement was executed and for the civil nature of dispute the present criminal forum has been misused. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of learned SDJM, Munger in connection with Kharagpur P.S. Case No. 223 of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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