

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46691 of 2015

Arising Out of PS.Case No. -515 Year- 2015 Thana -KHAGARIA District- KHAGARIA

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1. Binod Kumar Singh @ Pappu Singh S/o Shri Ramdeo Singh
2. Smt Babita Singh Devi @ Babita Devi @ Babita Singh W/o Binod Kumar Singh @ Pappu Singh,
Both residents of Mohalla- Vidhyadhar, P.S.+District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Mr. Rajendra Singh Shastrijee (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 16-10-2015 Heard Mr.Singh for the petitioner and Mr. Dayal, APP for the State.

It is stated that during the pendency of the application, petitioner no. 1 has been arrested.

As prayed, the application is dismissed insofar as petitioner no. 1 is concerned.

Petitioner no. 2 is wife of petitioner no. 1. She is facing prosecution under Sections 420, 461, 467, 468, 471, 406 and 120 of the Indian Penal Code. The allegation is that in consideration of sale of a land by the informant, a cheque of Rs. 7 lakhs was issued by petitioner no. 1 which later was not honoured. The land was purchased by petitioner no. 1 in the name of his wife (petitioner no. 2).

Indisputably, as per the allegation, the sale and purchase was

made between the informant and petitioner no. 1 and no role in the said transaction has been assigned to petitioner no. 2 who is only the name lender in respect of the sale document.

Considering the above, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in Khagaria P.S. Case No. 515 of 2015 (G.R. No. 1963 of 2015) subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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