

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49164 of 2015

Arising Out of PS.Case No. -140 Year- 2015 Thana -BRAHMPURA District- MUZAFFARPUR

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1. Ayodhya Kumar Pandey, son of Late Ramadhar Pandey
 2. Arvind Kumar Pandey @ Arbind Kr. Pandey, son of Ayodhya Kumar Pandey

Both residents of village Darauli, P.S.-Darauli, District-Siwan, at present resident of Gali of Lilawati Hospital (Dadar), P.S.- Ahiyapur, District-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey

For the Opposite Party/s : Mr. S.N.Shukla (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 04-11-2015 Heard the Counsel for the petitioners and the APP for the State.

Two petitioners herein are father and son. Another son of petitioner no. 1 is alleged to have enticed the informant and received 07 lakhs for securing employment to the informant. When the employment was not given, he demanded the money and ultimately lodged the present case vide Brahampura P.S. Case No. 140 of 2015 registered under sections 419, 420, 406 and 506/34 of the Indian Penal Code.

Contention of the petitioners is that it was Amreshwar Kumar who cheated the informant and received Rs. 07 lakhs. Petitioner no. 2 lodged a case against the present informant under

Sections 385, 387 and 506 of Indian Penal Code. In retaliation thereof, the present case has been lodged. On conjoint reading of the F.I.R., prima facie, it appears that the petitioner no. 2 had also some role to play in cheating the informant.

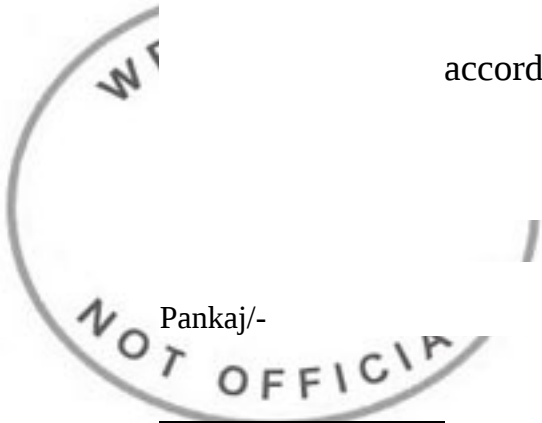
Considering the above, I am not persuaded to privilege petitioner no. 2 with anticipatory bail. Prayer is rejected. He may surrender and seek bail.

So far petitioner no. 1 (Ayodhya Kumar Pandey) is concerned, he being the father having no role assigned in both the F.I.Rs, in the event of arrest or surrender in the Court below within four weeks, 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, Muzaffarpur in Brahampura P.S. Case No. 140 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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