

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6200 of 2015

Arising Out of PS.Case No. -1562 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Ajeet Kumar Sinha, S/o Late Bijendra Kumar Sinha, R/o Village - Dhanauti, P.S. - Masaurhi, District - Patna.
 2. Santosh Kumar, S/o Sri Krishna Prasad R/o Village - Saichak, P.S. - Parsa Bazar, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ravita Devi, C/o Kamlesh Kumar, Chanduara, Jathdumari, Punpun, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 09-07-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 406, 420, 468, 471 and 504/34 of the Indian Penal Code and this Court on noticing that the petitioner Ajeet Kumar Sinha had misled the complainant and, in fact, executed a sale deed in favour of the complainant on a consideration amount of Rs. 2,65,000/- paid by the complainant on 27.04.2013 on the basis of alleged power of attorney which infact stood revoked/cancelled way back on 12.12.2008, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no. 1, Ajeet Kumar Sinha.

The submission of learned counsel for the petitioners that a compromise has been arrived between the accused Raju Singh, will not

even make any importance in the case of the petitioners because that transaction of Rs. 3,00,000/- seems to be entirely a different transaction.

The case of petitioner no. 2, namely, Santosh Kumar, who is said to be only a witness to the sale deed being on a different footing he will definitely be entitled for privilege of anticipatory bail specially when he has no criminal antecedent.

That being so, the prayer for anticipatory bail to the petitioner no. 2 namely, Santosh Kumar, is allowed and if he surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Judicial Magistrate, Ist Class, Patna in connection with Complaint Case No. 1562(C) of 2013, subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his



release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

The petitioner no. 1, Ajeet Kumar Sinha may however surrender and make a prayer for regular bail which ofcourse shall be considered on its own merits without being prejudiced by anything said in this order.

(Mihir Kumar Jha, J)

Sujit/-

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