

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21738 of 2015

Arising Out of PS.Case No. -215 Year- 2014 Thana -LALIT NARAYAN UNIVERSITY District-
DARBHANGA

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1. Dwarika Ram Son of Late Rameshwar Ram
2. Jitendra Ram Son of Dwarika Ram
3. Dharmendra Ram Son of Dwarika Ram All resident of village -
Sundarpur Tenu Ped, P.S. University, District - Darbhanga

.... Petitioners

Versus

1. The State of Bihar
2. Kutbuddin Alam @ Munshi Son of Md. Atujafar Alam @ Hira resident
of village - Muriya, P.S. Sadar, District - Darbhanga

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Manoj Kumar
For the Opposite Parties : Mr. Nand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 08-07-2015 Heard both sides.

Petitioners apprehend their arrest in connection with

L.N.M.U P.S. case no. 215 of 2014, registered under Sections

341,342,323,406,420,379 and 120B of the IPC

The allegation is that the informant gave a sum of Rs.

One lakh fifteen thousand to the petitioner no.1 in presence of his

two sons i.e. petitioner nos. 2 and 3 for securing a job. The job

was not available. When the informant demanded the amount,

petitioner no.1 stated that in installments the amount will be paid.

When demanded subsequently the allegation is that all the three

accused persons fisted him.

Contention is that petitioner no.1 is ready to settle the dispute with the informant. Petitioner nos. 2 and 3 are sons and have only alleged to be present when the amount was allegedly made over to the petitioner no.1. It is also submitted that the amount, in fact, was given to the petitioner no.1 for organizing marriage of his daughter and the said amount shall be paid to him in installment.

Considering the facts and circumstances of the case, this Court is not inclined to privilege the petitioner no.1, namely, Dwarika Ram with anticipatory bail. Prayer for bail is rejected.

Petitioner No.1 may settle the dispute between him and the informant and seek regular bail after surrendering in the learned Court below. In that event the Court below shall consider and dispose of the same on its own merit and pass appropriate orders uninfluenced by the present order.

In so far as the petitioner nos. 2 and 3, namely Jitendra Ram and Dharmendra Ram respectively are concerned, this Court is inclined to extend the privilege of anticipatory bail to them. Let the petitioner Nos. 2 and 3, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the

like amount each to the satisfaction of the learned CJM Darbhanga, in connection with L.N.M.U P.S. case no. 215 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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