

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15506 of 2016

Arising Out of PS.Case No. -403 Year- 2014 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

- =====
1. Dipak Kumar S/o Triveni Prasad,
 2. Sabita Devi @ Sarita Devi, W/o Triveni Prasad,
 3. Triveni Prasad, S/o Late Rameshwar Prasad,
 4. Kausal Kumar, S/o Triveni Prasad, All Resident of Mohalla - Gandak Colony, P.S. - Samastipur (Town) District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-05-2016

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 406 and 420 of the Indian Penal Code and 138 of the N.I. Act.

Allegation against the petitioners is that they have taken money from informant on the pretext of selling certain land to him and Mahadanama would also be executed in his name, but nothing has been done rather he was cheated.

It is submitted on behalf of the petitioners that they have got no criminal antecedent. It has been submitted that the petitioner no. 1 and the informant have already come to an agreement in respect to the amount in question. As per the agreement, nine lacs rupees is to be paid by petitioner no. 1 to the informant, out of which five lacs has already been given by him to the informant. It is further submitted that petitioner will deposit the remaining amount of Rs. 4 lacs within a period of four months. As far as petitioner nos. 2, 3 and 4 are concerned, there is no such

specific allegation against them.

On behalf of the State, it is submitted that petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, petitioner no. 1 is directed to deposit the amount of Rs.4 lacs in the court below within a period of four months which shall be released in favour of informant and till then petitioner no. 1 is granted provisional bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Samastipur, in connection with Samastipur (M) P. S. Case no. 403 of 2014.

If petitioner no. 1 deposits the entire amount within a period of four months, the court below shall confirm his provisional bail.

As far as petitioner nos. 2, 3 and 4 are concerned, considering the aforesaid facts and circumstances they are granted anticipatory bail.

let the above named petitioner nos. 2, 3 and 4, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur, in connection with Samastipur (M) P.S. Case no. 403 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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