

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13447 of 2016

Arising Out of PS.Case No. -2769 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Rupesh Kumar Agarwal, son of Shri Devi Lal Agarwal, resident of Banshi Apartment, Flat No. 302, R.K. Bhattacharya Road, Police Station - Gandhi Maidan, Town & District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rita Devi, wife of Vishwanath Singh, resident of village - Demian Chhatrajan (Diwanganj), Police Station - Muffasil, Ranipatra, District - Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeeva Roy, Adv.

For the Opposite Party no.1 : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-04-2016 Heard.

The petitioner apprehends his arrest in a criminal prosecution based on a complaint petition for offences under Sections 465/467 and some other allied offences under the Indian Penal Code.

Though the petitioner is named in the complaint petition vide Annexure-1 as an accused, but taking into consideration the fact that the dispute is essentially of civil in nature, as the petitioner is said to have purchased the disputed land from some other persons and not from the complainant, and also taking into consideration the fact that the petitioner is said to be the first offender, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail. Accordingly, his prayer for grant of anticipatory bail is allowed.

In the event of his arrest or surrender in the court

below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with Complaint Case No.2769 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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