

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37972 of 2016

Arising Out of PS.Case No. -386 Year- 2015 Thana -GANDHIMAIDAN District- PATNA

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1. Renu Katyal, W/o Sri Dilip Kumar
 2. Payal Katyal @ Payal Arora, W/o Sri Amit Arora, Both R/o Flat No. E1, Vashnavi Villa Apartment, Doctor's Colony Road, Siddharth Nagar, Jagdeo Path, P.S.- Hawai Adda, District- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Madheshwar Singh, Advocate

For the Opposite Party : Mr. Sri Ram Anurag Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 26-09-2016 Heard learned counsel for the petitioners, learned counsel representing the State as also learned counsel for the informant.

The petitioners seek bail in connection with Gandhi Maidan P.S Case No. 386 of 2015 registered for the offences punishable under Sections 406/420/467/468/471 and 120(B) of the Indian Penal Code.

Allegedly, Dilip Kumar and his family members earlier executed sale deed in favour of Smt. Shikha Singh for a flat, and thereafter executed a power of attorney also in favour of the informant for the same flat and on payment of money receipt, petitioner no. 2 has signed as witness and petitioner no.1 has

singed as witness on power of attorney and, as such, both the petitioners having knowledge cheated the informant intentionally and realized the amount of Rs. 10,00000/- .

Submission is of false implication and that it is Dilip Kumar, who has executed power of attorney and not the petitioners. Petitioner no. 1 is wife of Dilip Kumar whereas petitioner no. 2 is the daughter of Dilip Kumar, they are suffering in custody since 03.06.2016 and by remaining in custody they have been sufficiently penalized. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. The dispute appears purely of civil nature and, as such, the petitioners deserve sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that earlier sale deed was executed by Dilip Kumar, petitioner no. 2 and her brothers in favour of Smt. Shikha Singh for the same flat and again took money from the informant and executed power of attorney and on the basis of that power of attorney sale deed was executed. It is the habit of the accused persons to cheat innocent person and for one flat also they have taken Rs. 9,00000/- and gave cheque which has been bounced.

In the facts and circumstances stated above,

considering the custody of the petitioners and further that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction Ms. Supriya Goswami, J.M. 1st Class, Patna, in connection with Gandhi Maidan P.S. Case No. 386 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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