

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31434 of 2016

Arising Out of PS.Case No. -78 Year- 2015 Thana -MAINATAND District-
WESTCHAMPARAN(BETTIAH)

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Anand Kumar @ Anand Kumar Prasad Son of Late Hari Prasad, resident of
Purainia, P.S.-Mainatand, District-West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 01-09-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with
Mainatand P.S. Case No. 78 of 2015 for the offences registered
under Sections 406, 420 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that he had
indeed mortgaged his land by taking an amount of Rs.2,36,000/-
(Two Lakh Thirty Six Thousand) from the informant but had not
handed over possession of the land to the informant It is further
submitted that petitioner is willing to repay the said amount
within a period of one year and thereafter, the said mortgage
would be relinquished. It is further submitted that the documents
purported to have been signed is in fact a sham document and
the petitioner's brother may have created the same. However, he

has no concern with that and he is willing to return the money within a period of one year.

Be that as it may, in view of the *bona fide* offer made by the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 S.D.J.M., Bettiah, West Champaran in connection with Manaitand P.S. Case No. 78 of 2015 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However, it is made clear that if the petitioner does not honour his undertaking so given before this court, it shall be open to the opposite party no. 2 (complainant/informant) to approach this court or even the court below for seeking modification of the present order including filing an application for cancellation of bail.

(Anjana Mishra, J)

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