

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36248 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -ANDAR District- SIWAN

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1. Shambhu Prasad, Son of Sri Baijnath Prasad
2. Sanjay Kumar,
3. Dhananjay Kumar Both Sons of Shri Sambhu Prasad,
All are resident of Mohalla- Andar, P.S. - Andar, District- Siwan
..... Petitioners

Versus

1. The State of Bihar.
2. The Branch Manager, Uttar Bihar Gramin Bank, Andar Branch, Siwan
..... Opposite Parties

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Appearance:

For the Petitioners : Mr. Rana Vikram Singh, Advocate
For the State : APP
For the Bank : Mr. Prabhakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

- 2 15-09-2016 Heard learned counsel for the petitioners and learned APP for the State assisted by learned counsel for the Bank.
2. The petitioners apprehend their arrest for the offences alleged under Sections 406, 420, 467, 468, 471, 353, 504 and 506/34 of the Indian Penal Code registered in connection with Andar P.S. Case No. 43 of 2016.
3. It is submitted that the petitioners have been falsely implicated and in any event, the dispute between the parties has since been amicably settled in respect of which a joint compromise petition has been filed before the learned court below.
4. Learned counsel for the Bank (opposite party no. 2) appears and has been heard.
5. Having regard to the entirety of the facts and circumstances of the case, in the event of petitioners' arrest or surrender within four weeks hereof let the above named petitioners be released on provisional anticipatory bail on

furnishing bail bond of Rs.10,000/- [ten thousand] each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Andar P.S. Case No. 43 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relative other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(v) That the provisional bail shall stand confirmed if both the parties appear before the learned Court below and the Court is satisfied with regard to the genuineness and *bona fide* of the compromise petition.

(Vikash Jain, J)

B.T/Chandran

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