

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31114 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -HASPURA District- AURANGABAD

- =====
1. Ramakant Yadav Son of Sri Puran Yadav .
 2. Dhumun Yadav @ Dhunmun Yadav S/o Deni Yadav both resident of Village- Koilawan, P.S. Haspura, District- Aurangabad
 3. Satendra Singh @ Laden S/o late Dwarik Yadav resident of Village- Rampur Chai, P.S. -Telpa, District- Arwal

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 23-08-2016 Heard the counsel for the petitioners and the informant.

Looking to the allegations and the criminal antecedents which the petitioner nos. 2 and 3 carry, Mr. Sanjay Singh, counsel for the petitioners, after making submissions at some length, seeks permission of the Court to withdraw their application. Prayer is allowed.

Petitioner no.1 (Ramakant Yadav), according to the First Information Report, was engaged by the informant as Sub contractor of the work which was allotted to the informant by the Government.

The allegation, precisely, is that in course of execution of the work the petitioner no.1 with the active connivance of the two other accused persons fleeced money from him. He was also coerced and threatened on few occasions by the accused persons.

Counsel for the petitioner submits that in course of the business transaction between the informant and the petitioner no.1 few cheques in favour of the petitioner 1 were issued by the informant himself obviously in consideration of the work executed by the petitioner no.1 which, on presentation, were dishonored. Subsequently, the informant was blacklisted by the Government for non completion of the work. In his submission a dispute of settlement of account between the parties has been given the colour of criminal case. Petitioner no.1 has no criminal antecedents.

Learned counsel for the informant, on the other hand, has submitted that the petitioner no.1 with the active connivance and support of two other accused persons had also grabbed some lands of the informant.

Be that as it may, considering the facts of the case, I am persuaded to extend the privilege of anticipatory bail to the petitioner no.1 (Ramakant Yadav). Let the petitioner No.1, in the

event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Daud Nagar, in connection with Haspura P.S. case no. 61 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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