

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47914 of 2016

Arising Out of PS.Case No. -138 Year- 2016 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

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Shivasaray Singh son of Late Bhuneshwar Singh, resident of Bhavrah, P.S.
Nokha, Rohtas

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

3 19-12-2016 Heard Mr. Paswan for the petitioner, counsel for the
informant and the State.

A supplementary affidavit has been filed on behalf of the
petitioner.

The petitioner being father of co-accused Baljeet Singh
has prayed for grant of anticipatory bail in Bikramganj P.S. Case
No. 138 of 2016 registered under sections 420 and 406/34 IPC.
IPC. The informant has alleged that the son of the petitioner using
his intimacy with the family persuaded the petitioner to pay a sum
of Rs.18,00,000/- for starting a rice mill business. Such payment
was made on the assurance given by the petitioner that in default
of his son he would pay the amount. Subsequently, they refused to
pay the amount. Later, two cheques were issued in favour of the



informant by the co-accused Baljeet Singh which, however, got dishonoured.

Counsel for the petitioner submits that it is the son of the petitioner who has played the main role in committing the fraud by cheating the informant. However, for securing the privilege of bail, the petitioner would be ready and willing to pay/deposit a sum of Rs. 1,50,000/- in favour of the informant without prejudice to his right and contention in the case. In this regard, he draws attention of the Court to the averment made in paragraph 3 of the supplementary affidavit.

Having considered the submissions made at Bar and on perusal of the materials on record, I am inclined to extend the petitioner the privilege of anticipatory bail. Let petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of CJM, Rohtas at Sasaram in Bikramganj P.S. Case No. 138 of 2016 on condition that one of the bailors of the petitioner shall be his own/close family member. No sooner the charges are framed, the petitioner shall appear in person on each date fixed at the trial. In case of default in doing so on two consecutive dates, the trial court shall have liberty to cancel his bail bonds and secure his arrest in



accordance with law. Along with the bail bonds the petitioner shall produce a demand draft favouring the informant and/or receipt showing payment of Rs. 1, 50,000/- to the informant which shall however be without prejudice to his right and defense in the present case.

(Kishore Kumar Mandal, J)

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