

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58109 of 2015

Arising Out of PS.Case No. -372 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

1. Santosh Dubey son of Yugal Kishore Dubey, resident of Village Ghogha Bazar, P.S. Ghogha (Kahalagaon) District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Akbar Ali,(APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioner, learned counsel for the Informant and learned Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out of Kahalgaon (Ghogha) P.S. Case No. 372 of 2015, disclosing offences under Sections 406,419,420,504,506/34 of the Indian Penal Code.

Allegedly, the petitioner induced the informant to part with sum of Rs. 36 lacs in all in the name of construction of a *Dharmashala* on the assurance that he would get good return.

Learned counsel appearing on behalf of the petitioner submits that the prosecution case is false and there is no supporting material to establish that amount was given to the

petitioner nor existence of such material has been indicated in the First Information Report. He further contends that civil dispute between the petitioner and the informant has led to institution of the First Information Report.

Learned counsel for the Informant, on the other hand, had vehemently opposed the prayer for anticipatory bail and has submitted that the informant stood cheated on inducement made by the petitioner and considering the huge amount involved, the petitioner does not deserve the privilege of anticipatory bail.

However, considering the facts and circumstances and the nature of dispute between the parties, this application is allowed. Let the petitioner, above-named, in the event of his arrest or surrender before the Court below within six 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 Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 372 of 2015 (G.R. No. 3357 of 2015), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear

before the Court on two consecutive occasions, his bail bonds shall be liable to the cancelled.

(Chakradhari Sharan Singh, J)

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