

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41051 of 2016

Arising Out of PS.Case No. -19 Year- 2015 Thana -MAGADH UNIVERSITY District- GAYA

Niraj Giri, Son of Krishnandan Giri, Resident of Village- Pachhati, P.S.-
Bodh Gaya, District- Gaya. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 27-09-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Magadh University P.S. Case No. 19 of 2015, disclosing offences under Sections 406, 420 and 120B/34 of the Indian Penal Code.

From the First Information Report, it appears that the allegation is against co-accused Ramdeo Manjhi who is said to have taken some amount to the tune of Rs. 4,50,000/- as part consideration money for execution of sale deed with respect to a piece of land, in favour of the informant. An agreement for sale is also said to have been executed, in which, the petitioner is one of the witnesses. Being witness of the document of agreement to sale, petitioner has been made accused. Allegedly, said main accused Ramdeo Manjhi is refusing to execute the sale deed.

Learned counsel for the petitioner has submitted that no offence under Section 406 of the Indian Penal Code is made out against him on the basis of what has been alleged in the First Information Report.

Considering the submissions as above, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Magadh University P.S. Case No. 19 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 be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-c

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