

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5748 of 2016

Arising Out of PS.Case No. -136 Year- 2015 Thana -BHANGWANPUR HAT District- SIWAN

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1. Rajesh Sharma Son of Jagdish Sharma,
2. Rajan Sharma, Son of Jagdish Sharma,
Both resident of village - Chorauli, Police Station - Bhagwanpur Hat,
District - Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Yogendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 22-02-2016 Heard Sri Raghav Prasad, learned counsel for the

petitioners and Sri Yogendra Kumar, learned A.P.P.

Two petitioners, apprehending their arrest in connection with Bhagwanpur Hat P.S. Case No. 136 of 2015 registered for the offence under Section 120(B), 420 , 323, 504, 506, 34 of the Indian Penal Code, have prayed for grant of anticipatory bail.

It was submitted by learned counsel for the petitioners that petitioners have falsely been implicated by the informant due to some other reasons. He submits that in the complaint which was filed before the learned Chief Judicial Magistrate it was alleged that three years back petitioners had taken about Rs. 2,00000/- with an assurance that the son of the informant will be sent abroad for employment. However, neither he was ever sent

abroad nor the amount was refunded. He submits that the lodging of the complaint after three years itself creates serious doubt. He submits that investigation is continuing however, till date no plausible material has been collected.

In view of the facts and circumstances the court is of the opinion that till investigation is complete the petitioners are entitled to be enlarged on anticipatory bail.

Accordingly in the event of arrest or surrender within a period of six weeks from today let both the petitioners Rajesh Sharma and Rajan Sharma be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Bhagwanpur Hat P.S. Case No. 136 of 2015 subject to the conditions as contemplated under Section 438(2) of the Code of Criminal Procedure with an indication that if during investigation sufficient materials are collected against the petitioners and police submits charge sheet then in that event the petitioners' bail bond in the present case shall stand automatically cancelled and petitioners will have to surrender and make a prayer for regular bail.

Praful/-

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(Rakesh Kumar, J)