

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38479 of 2015

Arising Out of PS.Case No. -52 Year- 2015 Thana -PUSA District- SAMASTIPUR

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1. Anil Kumar, Son of Late Shyama Nand Lal Das @ Late Sarwa Nandan Lal Das @ Late Shyama Nandan Lal Das, resident of Village - Usma Math, Police Station - Darbhanga Sadar (Laherisarai), District - Darbhanga, Presently residing at Quarter No. Old C-1/35, /RAU Pusa, Police Station - Pusa District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr. Adv.

Mr. Ashok Kumar Karna, Adv.

For the Opposite Party/s: Mr. Gopesh Kmar (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 10-02-2016 Heard learned senior Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Pusa P.S. Case No.52 of 2015, disclosing offences under Sections 406 and 420 of the Indian Penal Code.

Allegedly, the informant had given to the

petitioner a sum of Rs.25,00,000/- for the purpose of purchasing a plot of land at Patna.

Learned senior Counsel, appearing on behalf of the petitioner, submits that letters written to the A.D.C. to the Governor of Bihar and Vice-Chancellor, Rajendra Agriculture University, Pusa, in the year 2012, have simply been enclosed with a letter, dated 10.06.2015, addressed to the Officer-In-Charge of Pusa police station, which is the basis for registration of the First Information Report. He submits that neither any mode of payment of any amount has been indicated in the First Information Report nor any offence, under Section 406 of the Indian Penal Code, is made out against the petitioner, on the basis of the materials available on the record. He submits that the dispute, if any, between the petitioner and the informant is civil in nature. He further submits that the petitioner is, at present, working as Assistant Controller in Rajendra Agriculture University, Pusa, and, therefore, there is no chance of him fleeing away from the course of investigation or trial.

Considering the facts and circumstances, nature of dispute, the accusation levelled against the petitioner and submissions advance on behalf of the petitioner, as noted above, this application is allowed. Let the petitioner,

abovenamed, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Judicial Magistrate, Ist Class, Samastipur**, in connection with **Pusa P.S. Case No.52 of 2015**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself/herself before the police/Court, as the case may be, as and when required and in the event of failure on his/her part to appear before the Court on two consecutive occasions, his/her bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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