

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33806 of 2016

Arising Out of PS.Case No. -421 Year- 2016 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

- =====
1. Bhagwan Prasad Rai @ Bhagwan Rai son of Jawahar Prasad Rai resident of S.S. Durga Tractor Parts, Bazar Samiti Road, Jhilli Chowk, Mathurapur, P.S.- Warish Nagar, District- Samastipur.
 2. Santosh Rai @ Santosh Kumar Rai son of Kanhaiya Rai resident of S.S. Durga Tractor Parts, Nand Chowk, Bhirha Road, Rosera, P.S.- Rosera, District- Samastipur.
 3. Ajit Kumar Choudhary @ Ajit Choudhary son of Late Ram Lakhan Choudhary resident of Cinema Chowk, P.S.- Rosera, District- Samastipur.

.... Petitioners

Versus

1. The State of Bihar.
2. Pappu Kumar Rai son of Ram Succhit Rai Resident of Village- Chaitha South, Tola - Bartari, P.S.- Angarghat, District- Samastipur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr.Adv.
Mr. Vijay Anand
For the Opposite Party/s : Mr. Vinod Shankar Modi
Mr. Sachin Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 05-12-2016 Heard Sri N.K.Agrawal, learned senior counsel, who was assisted by Sri Vijay Anand, learned counsel for petitioners, Sri Vinod Shankar Modi, learned Addl. Public Prosecutor as well as Sri Sachin Kumar, learned counsel, who has appeared on behalf of complainant/opposite party no. 2 on notice.

Three petitioners, apprehending their arrest in C.A. Case No. 421 of 2016 registered for offence under Sections 420, 465, 468, 409 & 120(B) of the Indian Penal Code, have prayed for



grant of anticipatory bail.

It was submitted by learned senior counsel for petitioners that on perusal of the complaint petition itself, it is evident that there is dispute in relation to sale and purchase of a Tractor to complainant. Petitioner no. 1 is the son of the proprietor of S.S. Durga Tractor Parts, petitioner no. 2 is the proprietor of S.S.Durga Tractor Parts and petitioner no. 3 is an agent of State Bank of India. He submits that so far as petitioner no. 3 is concerned, he has done some work for providing loan in the name of the complainant and subsequently, though tractor was delivered to the complainant, now a dispute is being raised that they (petitioners) have committed a fraud.

Learned Addl. Public Prosecutor as well as learned counsel for the complainant have vehemently opposed the prayer for grant of anticipatory bail. It was submitted by learned counsel for the complainant/opposite party no. 2 that all the accused persons, conspiring with each other, had cheated the complainant.

However, considering the nature of accusation in the complaint petition as well as the fact that earlier, while directing for issuance of notice, a Bench of this Court has already directed not to take any coercive step against the petitioners, in the event of arrest or surrender within a period of six weeks from today, let the



aforesaid three petitioners namely 1. Bhagwan Prasad Rai @ Bhagwan Rai, 2. Santosh Rai @ Santosh Kumar Rai and 3. Ajit Kumar Choudhary @ Ajit Choudhary be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with C.A. Case No. 421 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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