

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51566 of 2016

Arising Out of PS.Case No. -624 Year- 2015 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Shyam Sundar Singh Choudhary S/o Late Suraj Bansh Singh
 2. Mukesh Kumar @ Mukesh Choudhary S/o Shyam Sundar Singh Choudhary Both R/o Vill - Dihra, P.S. - Karakat, District - Rohtas.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mithilesh Kumar Rai, Advocate.

For the Opposite Party : Mr. Sir Pramod Kumar Pandey (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-12-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Bhabhua P.S. Case No. 0624 of 2015 for the offences punishable under sections 406, 420 and 120 (B)/34 of the I.P.C.

Allegedly, Vikky Kumar took Rs. 15,00,000/- after making endorsement on the non judicial stamp of Rs.100/- and assured to return the amount, but when the informant demanded the money accused Vikky Kumar started evading the matter and lastly after closing the business went away from Bhabhua. Earlier Vikky Kumar and the petitioners assured to return the money after



selling the land but thereafter they refused to return and then the legal notice was sent which was not received.

Submission is of false implication and that the petitioners are separate from Vikky Kumar, the petitioners have got no concern with the business of Vikky Kumar, no amount has been given to the petitioners and the petitioners, being father and brother of Vikky Kumar, have been falsely implicated in this case, the petitioners have got no criminal antecedents and no offence as alleged is made out against the petitioners.

The learned A.P.P. opposes prayer for bail by submitting that the petitioners made telephonic call to the learned District & Sessions Judge after imposing himself as Hon'ble Justice and for that Bhabhua P.S. Case No. 589 of 2016 has been lodged.

In the facts and circumstances as stated above, considering that the loan amount was taken by Vikky Kumar, not by the petitioners, the petitioners are also not the witnesses on the said document written on the stamp paper and as such the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order, shall be released 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. C.J.M. Kaimur at Bhabhua in connection with
above mentioned case, subject to the conditions as laid down in
section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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