

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13080 of 2016

Arising Out of PS.Case No. -856 Year- 2012 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Arun Gupta, son of Late Govind Prasad Gupta
2. Tarun Gupta @ Ravi Kumar Gupta, son of Arun Gupta.
3. Chhotu Gupta @ Varun Kumar, son of Arun Gupta,
All residents of Mohalla Bekarwan, Near Basant Mistan Bhandar, P.S.-
Dhanbad, District- Dhanbad in the district of Dhanbad (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar
2. Ravindra Pandit, son of Late Dukhi Pandit, Resident of village- Giriyak,
P.S.- Giriyak in the district of Nalanda, presently residing at Mohalla
Manger Bigha, P.S.- Nawada, District- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

2 22-04-2016 Heard the Counsel for the petitioners and the APP for
the State.

Petitioner no. 1 is father of petitioner nos. 2 and 3.

The complainant alleged vide Complaint Case No. 856 of 2012
that on 15.10.2011, he had given a loan of Rs. one lac to petitioner
no. 1 which was not being returned. On 8.7.2012, the accused
persons arrived and stayed in his house. When the demand was
made, they refused to give the same and one of them whipped out
pistol.

Contention of the petitioners is that all these
petitioners are residents of Dhanbad and runs a book shop where



the complainant was serving. On some plea, he got huge advance and came back home and did not return to join the shop. The petitioners had come to get the amount which was paid to the complainant and thus this false case was lodged. The petitioners did not know about the filing of complaint and hence there is delay in approaching the Court. If the privilege of anticipatory bail is granted, they shall appear in the Court regularly.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri S.K.Mishra, Judicial Magistrate, 1st Class, Nawada in Complaint Case No. 856 of 2012 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to

cancel the bail bond of the petitioners and secure their arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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