

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53225 of 2015

Arising Out of PS.Case No. -1942 Year- 2014 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

=====

1. Prem Shankar Choudhary, son of Late Yugeshwar Choudhary, resident of Village Dsarhar, P.S.- Bahadurpur, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Jha, son of Sushil Kumar Jha, resident of Village and P.S. Bahadurpur, District Darbhanga.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Bali Jha

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 25-01-2016 Heard both sides.

The petitioner apprehends his arrest in connection with T.R. No. 5568 of 2015, C.R. No. 1942/14, registered under Sections 420 and 138 of the N.I. Act.

The petitioner is a middle-man who entered into an agreement to sale the land with the complainant. Certain amounts was paid but the land was not conveyed.

Contention of the petitioner is that the land owner defaulted in conveying the land although the amount was paid to him. In the bail application, it is stated that the amount received by the petitioner in the sum of Rs. 2,00,000/- shall be refunded to

the informant .

Considering the above, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today and on furnishing a demand draft or proof of payment of a sum of Rs. 1,00,000/- (One Lac) in favour of the informant, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Darbhanga in connection with TR No. 5568 of 2015 and CR No. 1942 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner .
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court

shall have liberty to cancel the bail
bonds of the petitioner and secure
his arrest in accordance with law.

Payment so made shall be without prejudice to his
right and contention in the case.

(Kishore Kumar Mandal, J)

Shyam/-

U		T	
---	--	---	--