

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34497 of 2017

Arising Out of PS.Case No. -200 Year- 2017 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Manoj Gupta @ Manoj Kumar Gupta Son of Madan Mohan Gupta, resident of Deep Nagar Chowk, Police Station-Adampur, District-Bhagalpur.

2. Md. Salim @ Sayeem @ Md. Sayeem @ Salim Son of Md. Sakir, Resident of Village-Grijas, Police Station-Sariya, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Sri Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 10-08-2017 Heard the Counsel for the petitioners and the APP for the State.

Both the petitioners apprehend their arrest in Kotwali (Adampur) P.S. Case No. 200 of 2017 registered under sections 406, 420, 504 and 506 of the Indian Penal Code.

The prosecution case is that for running Disney Land fair, certain advancement was made to Shankar Paswan and the two petitioners herein inasmuch as an agreement was also signed. Even after running the fair for few weeks, the amount, as promised, was not paid to him.

Learned counsel for the petitioners submits with reference to agreement that it is purely a civil dispute. The Disney



Land fair was although set up but could not run because of the orders of the administration. The settlee of the land namely co-accused Shankar Paswan fought litigation at different levels. Referring to Annexure-3, it is submitted that finding that the amount was not being paid to the informant, all the structures/fixtures of the Disney Land fair was/were removed by him for which the F.I.R. has been lodged.

Having regard to the particular facts of the case, in the event of arrest or surrender in the Court below within five weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in Kotwali (Adampur) P.S. Case No. 200 of 2017 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.

(Kishore Kumar Mandal, J)

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