

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46920 of 2017

Arising Out of PS.Case No. -903 Year- 2015 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Lalan Pathak @ Kamal Nayan Pathak, Son of Late Saryug Pathak,
resident of Mohalla- Walipur, P.S.- Jamalpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Hira Rani, Wife of Sanjeev Kumar, Resident of Sadar Bazar Khalasi,
Mohalla- Mohanpur Kali No. 2, P.S. Jamalpur, District- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 22-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Complaint Case No.
903C of 2015 instituted for the offence under Section-420 of the Indian
Penal Code and 138 of N.I. Act.

It has been submitted that the petitioner is alleged to be
merely mediator between the informant and other accused. There is
specific allegation in the written report that the complainant entered
into agreement for purchase of land with Babita Devi and he paid
money to said Babita Devi. It is also mentioned in complaint petition
that a cheque of Rs. 3,01,000/- was issued in the name of complainant
by co-accused Babita Devi and as such, there is no allegation of any
overt act against this petitioner.

In such circumstances, prayer for anticipatory bail is



allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Complaint Case No. 903C of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Munger subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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