

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2137 of 2017

Arising Out of PS.Case No. -5 Year- 2015 Thana -PATNA CITY CHOWK District- PATNA

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Kumar Kundan @ Gaurav Kumar Son of Upendra Kumar Sah resident of Mohalla- Lohia Nagar, Kankarbagh, Tempo Stand, P.S. Kankarbagh, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sunita Devi Wife of Sri Satya Narain Tatwa Resident of Village- Ranipur , Kalisthan, P.S. Mehandiganj, Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 29-03-2017 Heard the learned counsel for the petitioner, the learned A.P.P. for the State as also the learned counsel for the Complainant.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Chowk P.S. Case No. 05 of 2015 for the offences punishable under sections 420, 406, 341 and 323/34 of the I.P.C.

Allegedly, amount of Rs.4,51,000/- was cheated from the complainant by the accused persons including the petitioner in collusion and conspiracy for executing the sale deed but thereafter neither the sale deed was executed nor the said amount was returned.

Submission is of false implication and that the name



of the petitioner has been added later on in the complaint petition which is apparent from the naked eye, there is no allegation against the petitioner, he has not received any amount and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioner by submitting that it was the petitioner in whose presence the matter was finalized and the petitioner is the owner of that land.

In the facts and circumstances as stated above, considering the nature of dispute, the petitioner, in case of his 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 bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. Sri Sushant Ranjan, J.M. 1st Class, PatnaCity, Patna 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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