

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53482 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Santosh Arya @ Santosh Kumar Arya, son of Kapil Prasad, resident of Mohalla Anisabad, Sangam Sweet shop, opposite Post Office, Post. Anisabad, P.S. Gardanibagh, Distt. Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 15-11-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Bhabua P.S.**

Case No. 39 of 2017 instituted for the offence under Sections 420 and 406 of the Indian Penal Code.

It is alleged in the written report that the petitioner and other co-accused persuaded the informant for taking dealership of G.P.S. system, for which they asked him to pay a sum of Rs.2,50,000/-. Thereafter, on 3.7.2016, the co-accused Ravi Ranjan Srivastava and Santosh Arya had received a sum of Rs.58,000/- in cash from the informant and told him that he would get distributorship agreement on 8.7.2016. It is alleged that on 11.7.2016, on persuasion of co-accused, the informant has deposited a sum of Rs.1,92,000/- in the Bank Account of Google Web Enterprises bearing Account No.40200200000077. It is



further alleged that the informant has incurred a sum of Rs.50,000/- towards taking TIN VAT license in the name of Krishna Priya Enterprises and for making visiting card and stamp etc. It is alleged by the informant that when no distributorship of G.P.S. device has been given to him, the informant asked the accused persons to return back his money and in the process they have returned a sum of Rs.25,000/- through the Bank account of Google Web Enterprises, Patna.

It has further been submitted that co-accused Ravi Ranjan Srivastva @ Ravi Ranjan Sinha has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 10.08.2017 passed in Cr. Misc. No. 36421 of 2017 on making payment of half of the amount i.e. Rs.29,000/-. The petitioner is ready to make payment of Rs.29,000/- to the informant within a period of four weeks.

Considering the facts and circumstances of the case, this application is disposed off with a direction to the petitioner to surrender in the court below within a period of six weeks from the date of receipt of this order along with valid receipt showing payment of Rs.29,000/- to the informant by way of Demand Draft and on production of such valid receipt showing payment of Rs.29,000/- to the informant, the learned Chief Judicial



Magistrate, Kaimur at Bhabua, will release the petitioner on anticipatory bail to his own satisfaction in connection with Bhabua P.S. Case No. 39 of 2017 subject to the conditions as laid down under Section 438 (2) 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 petitioner.

The payment of aforesaid amount to the informant will be subject to the final result of the case.

It is made clear that in the event the petitioner does not surrender with receipt showing the payment of Rs.29,000/- the court below will pass appropriate order in accordance with law without taking into consideration the aforesaid observation of this Court.

(Sanjay Priya, J)

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