

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52127 of 2017

Arising Out of PS.Case No. -1016 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA
=====

1. Kapileshwar Sharma @ Kapilesher Sharma, s/o Aklu Mistri,
 2. Tetari Devi, w/o Kapileshwar Sharma @ Kapileshar Sharma,
- Both r/v-Uterain, P.S.-Konch, District-Gaya.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad
=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners as well as the

State.

The petitioners apprehend their arrest in Complaint
Case No. 1016/2014 instituted for the offences under Sections 408,
341, 323, 504 and 379 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
the instant case has been registered on the basis of complaint made
by the complainant. The complainant has alleged that she entered
into an agreement with the petitioners for purchase of land. The
complainant paid Rs. 45,000/- to petitioner no. 1 on 21.09.2009 and
he issued receipt on blank paper.

Learned counsel for the petitioners further submits that
petitioner no. 1 himself had given Rs. 45,000/- to the husband of the
complainant, which was returned to the petitioners on 21.09.2009



and for that the petitioner had given receipt. It is further submitted that there is no any agreement on record as alleged to have been entered into between the parties.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Complaint Case No. 1016/2014, they shall 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 the learned Additional Chief Judicial Magistrate, Gaya, subject to the conditions as laid down under Section 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) petitioners 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 petitioners and (3) if petitioners tamper 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.)

Rakhi

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

