

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 53730 of 2018

Arising Out of PS. Case No.-1043 Year-2016 Thana- Complaint Case District- Banka

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1. Sujay Prasad Choudhary, S/o Sachchidanand Choudhary,
2. Rajendra Prasad Choudhary, S/o Late Ramotar Choudhary,
Both R/o Village- Akagora (Barahat), P.S.- Brahat, Distt- Banka.
... .. Petitioners

Versus

1. The State of Bihar.
2. Mukund Pd. Choudhary, S/o Late Ramotar Choudhary, Resident of Village-
Akagora (Barahat), P.S.- Barahat, District- Banka.
... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 10-09-2018 Heard Sri Ajay Mukherjee, learned counsel for the petitioner and Sri Chandra Bhushan Prasad, learned Addl. Public Prosecutor. Sri Dharendra Kumar, learned counsel has filed *vakalatnama* on behalf of son of the complainant/opposite party no. 2. He tried to persuade the Court that it was a case of cheating.

Two petitioners, apprehending their arrest in Complaint Case No. 1043 of 2016 registered for offence under Sections 406, 420, 120(B) of the Indian Penal Code, have prayed for grant of anticipatory bail.

However, fact remains that in the complaint petition, which was filed in the year 2016, it was alleged on the strength of bank-draft, given to the petitioners by the complainant in the year 2007, no step was taken by the petitioners for executing the land in question.



Be that as it may, considering the fact that cause of action, if whatsoever, arose long back in the year 2007 and complaint petition was filed in the year 2016, at least, I am of the opinion that it is a fit case for directing the petitioners to be enlarged on bail in the event of their arrest or surrender.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let aforesaid two petitioners namely Sujay Prasad Choudhary and Rajendra Prasad Choudhary be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Roshan Kumar, learned Judicial Magistrate 1st Class, Banka in connection with Complaint Case No. 1043 of 2016, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is clarified that whatever observation has been given by this Court in the present case, same has been made only for the disposal of the present anticipatory bail petition. Such observation may not be taken note of at any subsequent stage.

(Rakesh Kumar, J.)

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