

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6591 of 2018

Arising Out of Complaint Case No.-1262 Year-2014 Thana- PATNA COMPLAINT CASE
District- Patna

Vijendra Prasad @ Bijendra Prasad Yadav, Son of late Rama Rai, Resident of
Village- Baudha Chak, P.S.- Parsa Bazar, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prem Kumar, Son of late Munni Lal Raut, Resident of Mohalla- Bidyapuri
Kankarbagh, P.S.- Patrakar Nagar, Dist.-Patna, At present Resident of Shiv
Nagar Khemni Chak, P.S.- Ram Krishna Nagar, Distt. -Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Adv.

For the Opposite Party/s : SRI PARMESHWAR MEHTA, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2018 Heard learned Counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 406 and 420/34 of the Indian Penal Code.

Accusation against the petitioner is that he is the attesting witness to the Sale Agreement executed by Mahendra Singh on 17.12.2008 in favour of the complainant. As per the terms of Sale Agreement, it was to be executed within six months, but even after lapse of more than one year neither the sale deed has been executed nor has the consideration amount been returned. When the informant contacted the accused persons, they not only flatly refused to execute the sale deed, but also abused and assaulted



the informant.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against Mahendra Singh. The petitioner is only an attesting witness to the Sale Agreement. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner also.

Considering the fact that the thrust of accusation is against co-accused, Mahendra Singh, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna City, in connection with Complaint Case 1262 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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

