

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6748 of 2018

Arising Out of PS. Case No.-143 Year-2014 Thana- SAHARSA District- Saharsa

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1. Anoj Sharma @ Anoj Kumar, Son of Sir Jawahar Sharma,
 2. Manoj Sharma, Son of Jawahar Sharma, All are Resident of Village- Bhirkhi, Ward No. 21, District- Madhepura, at present Village + P.O.- Amrita, P.S.- Sonbarsha, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 28-03-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Saharsa P.S. Case No. 143 of 2014, instituted for the offence under Sections 420,406,120B of the IPC.

Learned counsel for the petitioners has submitted that he is ready to deposit the amount of Rs. 2,12,000/- in the court below subject to final decision of the case.

In the written report, there is allegation that the petitioners opened Finance Institution in the name of Star Maker Education and Development Trust in a rented house of Upendra Sah at Gandhi Path, Saharsa. They told that the institution gives loan to poor and needy person. The informant and other person as mentioned in FIR have deposited money and after maturity when the informant went to demand the



payment of money amounting to Rs. 2,12,000/-, he found that the accused persons have left the place.

Learned counsel for the informant opposed the prayer of anticipatory bail.

In such circumstances, petitioners, named above, in the event of their arrest or surrender in the court below within eight weeks from the date of receipt/production of copy of this order, shall be released on bail on depositing an amount of Rs. 2,12,000/- in the court below subject to final decision of the case on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Saharsa P.S. Case No. 143 of 2014, to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, subject to condition as laid down under Section 438(2) of the Cr.P.C. with further conditions (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 bonds of the petitioners and (3) if the petitioners 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 petitioners.

It is made clear that during pendency of the case, in the court below, both the parties will try to settle the matter amicably and after arriving at amicable settlement they will make request both court



below to release the money in favour of informant by filing joint petition and informant will also take appropriate step for withdrawal/final disposal of case in accordance with law.

khushbu/-

(Sanjay Priya, J)

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