

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5244 of 2018

Arising Out of PS.Case No. -1347 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Pawan Kumar Chaudhary, Son of Late Ram Chandra Chaudhary, resident of Village- Kanhauli, B.M.P.- 6, P.S.- Mithanpura, District- Muzaaffarpur.
2. Aalok Kumar, Son of Late Krishan Mohan Prasad Singh, resident of Village- Rohua Rajaram, P.S. Mushahri, District Muzaaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pranav Anand, Son of Late Nageshwar Mishra, resident of Indrapuri Colony, Road No. 2 Mithanpura, P.S.- Mithanpura, District- Muzaaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 26-03-2018 Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in Complaint Case No. 1347/2016 instituted for the offences under Sections 406 and 420 of the Indian Penal Code.

It is alleged in the complaint petition that the accused Maniranjan Kumar on the basis of power of attorney took Rs. 25 lakhs on 01.10.2013 for sale of land of R.S. Khata No. 97, Khesra No. 50 Area 55 decimals on consideration amount of Rs. 60,50,000/- and in proof a receipt has been issued by co-accused Maniranjan Kumar on a stamp paper of Rs. 1,000/-. It is further alleged that the



complainant paid an amount of Rs. 5 Lakhs to petitioner no. 1 on 15.10.2013. The father of the complainant became ill due to cancer and he died in April, 2014. The complainant got knowledge that accused persons sold the land to some other persons.

Learned counsel for the petitioners has submitted that there is no any chit of paper with the complainant in support of his contention that petitioner received Rs. 5 lakhs from complainant. There is no specific allegation against petitioner no. 2 of receiving any money.

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 Complaint Case No. 1347/2016, 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 Sub Divisional Judicial Magistrate, East Muzaffarpur, 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.)

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