

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15686 of 2018

Arising Out of PS.Case No. -469 Year- 2017 Thana -BIHPUR
District- BHAGALPUR

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1. Digambar Kumar Malakar @ Digambar Kumar @ Digambar Malakar,
 2. Prem Kumar Malakar @ Prem Kumar Dinkar,
 3. Rajeev Kumar @ Harshit Kumar @ Rajeev Malakar, All sons of Devendra Malakar @ Devendra Kumar Malakar,
 4. Devendra Malakar @ Devendra Kumar Malakar, S/o Late Bhajangi Malakar, All residents of Village- Chakrami, P.O.- Narayanpur, P.S.- Bhawanipur (Bihpur), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhoy Kumar Kashyap

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

- 2 05-04-2018 The petitioners seek bail in anticipation of their arrest in connection with Bihpur (Bhawanipur) P.S. Case No. 469 of 2017 dated 05.11.2017 instituted for the offences under Sections 420, 406, 506/34 of the Indian Penal Code.

It has been alleged by the informant that after settlement with petitioner No. 1 for purchase of a plot of land, Rs. 8,00,000/-(eight lakhs) was given to petitioner No. 1. However, petitioner No. 1 refused to execute the sale deed. Whenever the informant reminded petitioner No. 1 for executing the sale deed, the other petitioners who are related



to petitioner No. 1 (petitioner Nos. 2 and 3 being brother of petitioner No. 1 and petitioner No. 4 being father of petitioner No. 1) threatened the informant of dire consequences. On a later occasion, the petitioner No. 1 completely denied of having accepted any money.

Learned counsel for the petitioners has submitted that there is no proof of the fact that Rs. 8,00,000/-(eight lakhs) has been given by the informant. It has also been stated that the informant is a criminal who was instrumental in getting the son of petitioner No. 1 kidnapped but with the timely arrival of the people/well wishers, such an offence could not be committed.

It further appears that the petitioners also do not have clean antecedents.

However, considering the fact that only petitioner No. 1 entered into an agreement with the informant for sale or purchase of land and that money was paid to him only, this Court is not inclined to grant anticipatory bail to petitioner No. 1. The prayer on his behalf is, therefore, rejected.

So far as petitioner Nos. 2, 3, 4 are concerned, but for the fact that they are related to the petitioner No. 1 and that they had threatened the informant, there is no other act attributed to them.

Considering the aforesaid fact, petitioner Nos. 2, 3



and 4, above named, in the event of their arrest or surrender before learned Court below within a period of four weeks from today, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Naugachhiya in connection with Bihpur (Bhawanipur) P.S. Case No. 469 of 2017.

(Ashutosh Kumar, J)

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