

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39137 of 2018

Arising Out of PS.Case No. -881 Year- 2015 Thana -PATNA COMPLAINT CASE District- PATNA

1. Mukesh Kumar, S/o Hanumant Prasad, Resident of Village- Gulmahiyachak, P.S.- Didarbanj, District- Patna.

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. Md. Shakur, S/o Md. Ishmaile, R/o Sadar Gali, Bangali tola, P.S. Khatekalla, District- Patna.

.... Opposite Party/s

with

Criminal Miscellaneous No.39213 of 2018

Arising Out of PS.Case No. -881 Year- 2015 Thana -PATNA COMPLAINT CASE District- PATNA

1. Raj Kumar Rai S/o Kalafdeo Rai, R/o Vill.- Gulrubiyachak, P.S.- Didarganj, District- Patna.

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. Md. Shankur S/o Md. Ishmaile , R/o Sadar Gali Bangali Tola, P.S.- Khajeklla, District- Patna.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39137 of 2018)
For the Petitioner/s : Mr. Rudal Singh, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.
(In Cr.Misc. No.39213 of 2018)
For the Petitioner/s : Mr. Rudal Singh, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 23-07-2018 Heard the parties.

Both the cases arise out of the same Complaint case No.881 of 2015 and both of them are being disposed of by this common order.



The petitioners seek anticipatory bail in connection with Complaint Case No. 881 of 2015, registered for offences punishable under Sections 420, 120 (B), 323, 379 and 504 of the Indian Penal Code.

As per F.I.R., allegation against the petitioners is that by different agreement, the petitioners had taken Rs six lakh from the complainant but after that, the complainant contacted several times for taking rest money and executing the sale deed but the accused persons did not execute sale deed in favour of the complainant and when the petitioner Raj Kumar Rai gave a cheque for Rs. 5 lakhs to the complainant, the cheque was bounced. It is also alleged that when the complainant came to the house of the accused persons, they assaulted the complainant and snatched golden chain.

Submission of the learned counsel for the petitioners is that the petitioners have been falsely implicated in this case and Rs 2 lakh was paid by the petitioners to the son of the complainant namely, Md. Juber, witness No. 4 and false cheque has been handed over to the complainant by the petitioners is totally false and the case is of civil nature.

Learned A.P.P. and learned counsel for the informant oppose the prayer for bail on the ground that even Rs. 2 lakhs returned on different dates and co-accused, Raj Kumar Rai also returned Rs. 75,000/- to the complainant but other payment



was dues.

Having heard both sides and in view of the facts and circumstances discussed above, let the petitioners, above named, surrender before the court below within a period of eight weeks from today and on surrender alongwith bank draft of Rs. 5 lakh amount payable in the name of Opposite Party No. 2 and if such amount will be deposited in favour of Opposite Party No. 2 within eight weeks from the date of receipt of the order and they will be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate , Patna City in connection with Complaint Case No. 881/2015, subject to the conditions as laid down under Section 438 (2) of Cr.P.C.

It is also made clear that above payment shall be subject to the result of the case.

With the aforesaid, this application is accordingly disposed of.

(Vinod Kumar Sinha, J)

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