

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52514 of 2018

Arising Out of PS.Case No. -42 Year- 2018 Thana -TATARPUR District- BHAGALPUR

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1. ARUN KUMAR PATHAK @ ARUN PATHAK, Son of Late Babban Pathak, Resident of Prem Chandra Chhatrabas Hakim Devi Prasad Road, Mandrija P.s. Tatarpur, District - Bhagalpur.
 2. Birendra Kumar, son of Bangali Yadav, Resident of Mohalla - Chanderi, P.S. - Sabour, District - Bhagalpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajive Ranjan Singh, Advocate.

For the Opposite Party : Mr. Tarkeshwar Nath Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-09-2018 Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application on behalf of petitioner no. 1, Arun Kumar Pathak @ Arun Pathak as he has already been arrested in connection with Tatarpur P.S. Case No. 42/2018, pending in the court of learned A.C.J.M., Bhagalpur.

Permission is accorded.

The anticipatory bail application on behalf of petitioner no. 1 Arun Kumar Pathak @ Arun Pathak is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.



The petitioner no. 2 is apprehending his arrest in a case for the offence registered under Sections 406, 420 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that co-accused Gowardhan Das entered into an agreement with the informant for sale of land pertaining to Khata No. 450, Khesra No. 1487, area 1080 Sq. Ft. falling in Ward No. 14. The informant paid Rs. 5,00,000/- in cash and 1,00,000/- through Cheque to co-accused Gowardhan Das but neither the land was transferred nor the money was refunded to the informant.

It has been submitted by learned counsel for the petitioner no. 2 that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner no. 2 has falsely been implicated in the present case due to petty family dispute. The petitioner no. 2 is alleged to be witness in the agreement for sale which was made between the informant and co-accused Gobardhan Das. The matter has already been compromised between the parties vide Annexure-2 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner no. 2 is named in the F.I.R/ complaint case.



Considering the aforesaid facts and circumstances, let the petitioner no. 2 Birendra Kumar, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Bhagalpur, in connection with Tatarpur P.S. Case No. 42/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

