

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4813 of 2018

Arising Out of PS.Case No. -323 Year- 2016 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Rajesh Kumar, Son of Madan Mohan Gupta, Resident of Laljhari Bhawan (Athar Kothi), Mohalla- New Diliya, Dehri-on-Sone, Kanada Mistry Ki Gali, Ward No.21, P.O.+P.S. Dehri on Sone, District- Rohtas, Pin- 821307.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Akhileshwar Kr. Singh, S/o Sri Ram Singhansan Singh, Village- Fatehpur, P.S.- Ithadhi, Dist- Buxar, at present Virat Nagar, P.S.- Buxar Town, Ward No.9, Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-02-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. 323(C) of 2016** instituted for the offence under Sections 406, 420 and 120B of the Indian Penal Code.

Learned counsel for the petitioner has submitted that Petitioner is the son of co-accused Madan Mohan Gupta. It has further been submitted that Madan Mohan Gupta has already admitted to return the entire due amount of the complainant, and on such admission, he was granted anticipatory bail by a coordinate Bench of this Court vide order dated 24.01.2018 passed in Cr. Misc. 54580 of 2017. He has also paid 1st installment



of Rs.3,00,000/- .

Learned counsel for the informant has appeared and submitted that he has no objection if the petitioner is granted anticipatory bail after making payment of his entire dues amount.

The informant has filed counter affidavit stating that he has already received 1st installment of Rs.3,00,000/-.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Complaint Case No. 323 (C) of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Buxar**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner 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 petitioner.

In the event the payment is not made by the petitioner of Cr. Misc. 54580 of 2017 in terms of order dated 24.01.2018 passed by a coordinate Bench of this Court in Cr. Misc. 54580 of 2017, the informant will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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