

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36842 of 2018

Arising Out of PS. Case No.-368 Year-2016 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Binay Paswan S/o Rajdev Paswan, resident of Village- Naiki, P.O.- Khaira,
P.S.- Rafiganj, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dhananjay Paswan, S/o Late Kishori Lal Paswan, resident of Village- Achuki,
P.S.- Pouthu (Rafiganj), District- Aurangabad (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 02-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Complaint Case No. 368 of 2016, Tr. No. 625 of 2018 registered for offences under sections 420, 504/34 of the Indian Penal Code.

From the record, it appears that the Complainant had given Rs. 5,40,000/- to the accused Ram Saran Prasad and, accordingly, he has executed the sale deed in favour of the Complainant. When the Complainant gone to take possession, one Chamari Sao raised objection but, later on, it transpired that Partition Suit No. 110 of 2006 was filed by the petitioner which was dismissed.

The Complaint was filed in the year 2016 whereas the



execution of the land was made in the year 2012.

Learned counsel for the petitioner submits that the person who had taken money has been granted bail by this Court vide order dated 12.4.2018 passed in Cr. Misc. No. 63732 of 2017. He further submits that the petitioner is the witness to the execution of the sale deed.

Looking to the entire facts and circumstances of the case, let the petitioner, namely, Binay Paswan, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Aurangabad (Bihar) in connection with Complaint Case No. 368 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

(Shivaji Pandey, J)

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