

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11190 of 2019

Arising Out of PS. Case No.-147 Year-2018 Thana- RASULPUR District- Saran

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1. Gopaljee Pandey, S/O- Brahma Pandey, Resident of Village- Rasulpur, P.S.- Rasulpur, District- Saran
 2. Mamta Devi, W/O- Gopaljee Pandey, Resident of village- Rasulpur, P.S.- Rasulpur, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Singh S/o Shri Harishankar Singh, R/o Village jamanpura, P.S. Rasulpur, District Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Mishra
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 23-07-2019 This is an application for grant of anticipatory bail in connection with Rasulpur P.S. Case No. 147 of 2018, disclosing offences under Sections 406, 420, 34 of the Indian Penal Code.

Allegation as per F.I.R. is that petitioners have taken Rs.78,40,000/- from the informant for purchase of 07 Kathas 10 Dhurs of land and thereafter, again Rs.5,00,000/- was deposited in the account of wife of petitioner no.1, but they have refused to execute the sale deed and also not returning the amount and when he demanded the same, the petitioner no.1 has snatched the golden chain and also fired.

Submission of the learned counsel for the petitioners is that there is no cheat of paper to show the receipt of any such



big amount and it is not possible that without any receipt Rs.78,40,000/- has been handed over to the petitioner no.1. It has further been submitted that during the investigation, the police has found that Rs.5,00,000/- has been transferred in the name of one Mamta Devi, not the wife of the petitioner no.1. Apart from that petitioner no.1 has also lodged a case against the informant-opposite party no.2 before the police which is Rasulpur P.S. Case No. 142 of 2018, under Sections 386, 387,420 of IPC and other Sections of IPC. Further submission is that police after investigation has not found the present case true.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, they have opposed the prayer for anticipatory bail. However, they have admitted the fact that police after investigation has not found the case true but cognizance has been taken in this case.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned



Chief Judicial Magistrate, Saran at Chhapra, in connection with
Rasulpur P.S. Case No. 147 of 2018, subject to the condition
laid down under Section 438(2) of the Code of Criminal
Procedure with condition that petitioners have to co-operate in
the trial and appear as and when required, otherwise their bail
bonds shall be cancelled.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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