

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24385 of 2019

Arising Out of PS. Case No.-35 Year-2017 Thana- NTPC District- Bhagalpur

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1. CHAKRADHAR PASWAN Son of Lutun Paswan Resident of Village-Ramchandrapur, P.S-Gauradih (Bhagalpur)
 2. Sudha Devi W/o Chakradhar Paswan Resident of Village-Ramchandrapur, P.S-Gauradih (Bhagalpur)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anwar Karim

For the Opposite Party/s : Ms.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 25-07-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406, 420, 504, 506/34 of the Indian Penal Code registered in connection with NTPC P.S. Case No. 35/2017.

3. It is submitted that the petitioners have been falsely implicated on the accusation of having cheated the informant in course of negotiation for marriage stating that their son was B. Tech in Electrical Engineering from N.I.T., Patna, but later on could not produce the certificate. In any event the matter has since been amicably settled between the parties in terms of agreement between Kundan Kumar, son of the petitioners and the informant on terms and conditions recorded therein, *inter*



alia, requiring the petitioners and their son to refund total amount of Rs. 5,33,000/- received at the time of negotiation to the informant, to be payable in instalments upto 11.10.2019, as enumerated in para 1 of the said agreement.

4. Learned counsel for the informant appears and confirmed the fact of compromise in terms of the agreement dated 11.07.2019.

5. Be that it may and having regard to the common stand of the parties, in the event of petitioners arrest or surrender within four weeks hereof let the above named petitioners be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Bhagalpur, in connection with NTPC P.S. Case No. 35/2017, subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State



shall be at liberty to move for cancellation of bail.

(iv) The petitioner no.1 shall remain physically present and the petitioner no. 2 will be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

6. The provisional bail granted to the petitioners shall be confirmed if the petitioners ensure payment of the entire amount of Rs. 5,33,000/- on or before 11.10.2019 in terms of the agreement dated 11.07.2019 aforesaid. Default in re-payment of the entire amount before 11.10.2019 the provisional bail granted to the petitioners shall stand automatically cancelled.

(Vikash Jain, J)

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