

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19130 of 2019

Arising Out of PS. Case No.-433 Year-2018 Thana- ARA NAGAR District- Bhojpur

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1. SANTOSH YADAV, aged about 34 years, Male, S/o Sh. Ram Pravesh Yadav, R/o Mohalla- Shivganj, P.S.- Ara Town, District- Bhojpur
 2. Ajeet Choudhary, aged about 33 years, Male, S/o Sh. Gopal Choudhary, R/o Mohalla- Bhaluhipur Khara Kuan, P.S.- Ara Town, District- Bhojpur

... Petitioners

Versus

1. The State of Bihar
 - 2, Chanda Devi, w/o Sri Akhileshwar Tiwary, r/o Sinha Ghat, P.S. Badhara, district Bhojpur
- ... Opposite Parties

Appearance :

For the Petitioners : Mr. Manoj Kumar, Adv.
For the Opposite Parties : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 15-07-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Ara Town P.S. Case No. 433 of 2018 for the offences alleged under Sections 406 and 420 of the Indian Penal Code and 138 of the Negotiable Instrument Act.

The accusation is that Monu Tiwary and Sona Lal, along with the petitioners, came in touch of Chanda Devi, the informant, who wanted to purchase the land and told her that plot no. 399 situated in Mahadeva Gali is for sale. She visited the plot and asked to arrange the meeting with the land owner, then, they told that Sona Lal will arrange the execution of the sale deed and also disclosed the amount of sale as



Rs.10,00,000/- per katha. After one week petitioner no. 1 talked to informant on phone to give the money, then, the informant handed over Rs.7,50,000/- to petitioner no. 1 and she also extended Rs.1,16,000/- in Registry Office for depositing the same by chalan. Due to harassment, informant approached to Sona Lal, then, he handed over two cheques, one of Rs.4,00,000/- and another of Rs.4,86,000/-, but, the same got dishonoured.

Learned counsel for the petitioners submits that it would appear from the first information report itself that two cheques, which were issued by Sona Lal, got dishonoured on presenting by the informant in Bank and the petitioners are not the beneficiaries in any manner in the deal of the land as detailed in the first information report. Petitioners have no criminal antecedent. More Sona Lal has already been allowed privilege of pre-arrest bail vide Anticipatory Bail Application No. 1268 of 2018 on 13.09.2018 by the Court of the Additional Sessions Judge, II, Bhojpur at Ara.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of



surrender/arrest, within a period of four weeks from today, in connection with Ara Town P.S. Case No. 433 of 2018 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Ara, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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