

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22988 of 2019**

Arising Out of PS. Case No.-1495 Year-2018 Thana- PATNA COMPLAINT
CASE District- Patna

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1. JITENDRA KUMAR, aged about 26 years, male, Son of Ashok Kumar, Residence of Mohalla-Postal Park, House No.4, Road No.1, P.S-Kankarbagh, District-Patna.
 2. Satendra Kumar aged about 24 years, S/o Ashok Kumar Residence of Mohalla-Postal Park, House No.4, Road No.1, P.S-Kankarbagh, District-Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Pratyush Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 11-04-2019 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, 506 and 120(B) of the Indian Penal Code registered in connection with Complaint Case No. 1495(c) of 2018.

3. It is submitted that the petitioners have been falsely implicated and the petitioners are nothing more than witnesses to the sale deed. It is submitted that in any event the entire dispute with regard to purchase and sale of the property in question is of civil nature. As a matter of fact statement is made at the Bar that Title Suit No. 104 of 2019 has also been filed by the complainant and others in this regard. The petitioners claim clean antecedents.

4. Learned counsel for the complainant appearing *suo*



motu vehemently opposes the anticipatory bail petition, submitting that the petitioners are the sons of the accused no. 1 and they are not strangers to the transaction.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Patna in connection with Complaint Case No. 1495(c) of 2018, 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

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

(iii) That the petitioners shall cooperate 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) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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