

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23958 of 2019

Arising Out of PS. Case No.-629 Year-2017 Thana- KOTWALI District- Patna

1. SUSHIL KUMAR Son of Dindayal Prasad R/o- Gulab bag Market, Bari Road, In front of Hathua Market, P.S.- Kadamkuan, District - Patna
2. Kundan Kumar Son of Dindayal Prasad R/o- Gulab bag Market, Bari Road, In front of Hathua Market, P.S.- Kadamkuan, District - Patna
3. Abhishek Verma Son of Arun Kumar Verma R/o- Gulab bag Market, Bari Road, In front of Hathua Market, P.S.- Kadamkuan, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 409, 417, 418, 419, 420, 461, 468, 504, 506, 120(B) of the Indian Penal Code registered in connection with Kotwali P.S. Case No.629 of 2017.

3. It is submitted that the petitioners have been falsely implicated on the accusation of having taken Rs. 2 crore 20 lakhs as advance for transfer of land even though the petitioners knew that the same was under litigation. It is submitted that the dispute between the parties is of civil nature. In any event the parties have since entered into a compromise in terms of agreement signed between the parties on 24.08.2018, in terms of which the petitioners are returning the amount to the informant.

4. Be that as it may, in the event of the petitioners



arrest or surrender before the court below within four weeks from the date of communication of this order, let the above named petitioners be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Patna, in connection with Kotwali P.S. Case No.629 of 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 himself 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 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail shall stand confirmed upon verification and satisfaction of the learned Court below that the parties have entered into an agreement on 24.08.2018 for amicable settlement of the disputes, otherwise, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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