

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31709 of 2019

Arising Out of PS. Case No.-277 Year-2018 Thana- ARA NAGAR District- Bhojpur

Subodh Yadav, Son of Naresh Yadav, Resident of Village- Charkhamba Gali,
P.S.- Ara Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32456 of 2019

Arising Out of PS. Case No.-277 Year-2018 Thana- ARA NAGAR District- Bhojpur

Surendra Patel @ Surendra Prasad, Son of Late Munna Prasad, Resident of
Shital Tola, P.S. Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31709 of 2019)

For the Petitioner/s : Mr. Brajesh Prasad Gupta

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

(In CRIMINAL MISCELLANEOUS No. 32456 of 2019)

For the Petitioner/s : Mr. Gaurav Govind

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-07-2019 As both the cases arises out of Ara Town P.S. Case

No. 277 of 2018, as such, both are taken up together for disposal

by a common order.

This is an application for grant of anticipatory bail in

connection with Ara Town P.S. Case No. 277 of 2018,

disclosing offences under Sections 341, 323, 324, 406, 420,

120B, 34 of IPC.



Allegation as per F.I.R. is that petitioner in Criminal Misc. No. 32456 of 2019 has taken Rs.15 lakhs for sale of his house, but he has not executed the sale deed nor returning the money and he has also taken Rs.50,000/-. Thereafter, the petitioners in both the cases had pressurized his daughter in law to write that she has received money and got her signature on them and ask them to come to the house of the petitioner Surender Patel for the payment of the amount. It is also prosecution case that they go, they refused to pay the amount and on the order of petitioner Subodh Yadav, petitioner Surender Patel assaulted the informant by Fasli, causing injury in his hand and leg.

Submission of the learned counsel for the petitioner Subodh Yadav is that from the F.I.R. it appears that only allegation against him is that he had abated petitioner Surender Patel to assault the informant and he was also present, except that there is nothing against him.

Submission of learned counsel for the petitioner Surender Patel is that he has returned the amount to the informant, which will appear from the Annexure 2, which is written by the daughter-in-law of the informant and so far as allegation of assault is concerned, one injury is simple in nature



and another injuries which is on hand, opinion of the doctor is kept reserved.

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 on the ground that it is the prosecution case that he obtained the signatures of the daughter in law of the informant forcibly without returning the money, as such, Annexure 2 filed with the Criminal Misc. No. 32456 of 2019 has no value and the informant was also assaulted by fasli.

Having heard both sides, considering the above submissions, so far as, petitioner Subodh Yadav in Criminal Misc. No. 31709 of 2019 is concerned, 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, Bhojpur at Ara, in connection with Ara Town P.S. Case No. 277 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

So far as, petitioner Surender Patel in Criminal Misc. No. 32456 of 2019 is concerned, I am not inclined to grant privilege of anticipatory bail to him. He may surrender before



the learned court below and pray for regular bail, which will be considered by the learned court below on its own merit.

With the above observations, both applications are disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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