

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38208 of 2019

Arising Out of PS. Case No.-90 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

1. Kumar Shishir @ Bittu, aged about 30 years, M, Son of Shyam Sundar Panjiyara
2. Shyam Sundar Panjiyara, aged about 65 years, M, Son of Late Mahabir Panjiyara,
Both are resident of Village-Jagdishpur, P.S.-Jagdishpur, District Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ranjan Kumar Jha, Advocate
For the Opposite Party : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 27-06-2019 After some arguments, learned counsel for the petitioners seeks permission to withdraw the application as it concerns petitioner no.2, namely, Shyam Sundar Panjiyara.

2. As prayed, the bail application of petitioner no.2, namely, Shyam Sundar Panjiyara. is permitted to be withdrawn and dismissed as such.

3. Heard learned counsel for the petitioner no. 1 and learned APP for the State.

4. Petitioner no. 1 apprehends his arrest for the offences alleged under Sections 419 and 420 of the Indian Penal Code registered in connection with Jagdishpur P.S. Case No. 90 of 2019.

5. It is submitted that petitioner no.1 has been falsely implicated and at best the transaction in respect of purchase of land for which petitioner no. 1 is alleged to have been paid Rs. 1,00,000/- by way of part advance is of civil nature. It is submitted that in any event, petitioner no.1 expresses his readiness to refund the amount of Rs. 1,00,000/- to the informant alleged to have been received by him from the informant. Petitioner no. 1 claims clean antecedents.

6. Be that as it may, in the event of arrest or surrender of



petitioner no.1 before the court below within six weeks from the date of communication of this order, let him be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 90 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with further conditions --

(i) That one of the bailors shall be a close relative of petitioner no. 1.

(ii) That petitioner no. 1 shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no. 1 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.

(iv) That petitioner no. 1 shall cooperate 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.

7. The provisional bail granted to the petitioner no. 1 shall be confirmed by the learned court below upon refund of the advance amount of Rs. 1,00,000/- by the petitioner no. 1 to the informant within a period of four weeks and in case of failure to refund the aforesaid advance amount of Rs. 1,00,000/- by the petitioner no. 1 within the stipulated period, his bail bond shall stand automatically cancelled.

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(Vikash Jain, J)

