

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44438 of 2019

Arising Out of PS. Case No.-88 Year-2018 Thana- PARBATTa District- Bhagalpur

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1. SUSHIL KUMAR @ SITU Son of Late Anil Modi Resident of Village-Dighi Sibanpur, P.S-Meharma, District-Godda, at present residing at Safdarganj Inklesh Gali No.4, Makan No. S-62 Himayupur, New Delhi.
 2. Rajev Kumar @ Rajiv kumar Son of Late Anil Modi Resident of Village-Dighi Sibanpur, P.S-Meharma, District-Godda, at present residing at Safdarganj Inklesh Gali No.4, Makan No. S-62 Himayupur, New Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Das Sahu(M) aged about 50 years, s/o Late Rampati Sahu r/o Sahil Parsatha, P.S Parbatta, District Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Singh
For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 27-11-2019 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Informant.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 406, 418, 420, 323, 504 and 506 of the Indian Penal Code.

Complainant has filed complaint before Additional Chief Judicial Magistrate, Naugachia, giving rise to Complaint Case No. 120 of 2018 alleging that son of informant Sachin



Kumar was preparing for medical examination. The Sons of both petitioners and their mother Manju Devi came to her residence and assured that they will get her son admitted in medical college and on such assurance complainant gave Rs. 14 Lacs for admission of her son and Rs. 1 Lac was paid through cheque and Rs. 13 Lacs was paid through cash after borrowing Rs. 13 Lacs, however, her son could not be admitted in medical college and when she demanded her money back they refused and also assaulted her.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. It has been further submitted that there is no proof that the complainant has paid Rs. 13 Lacs to the petitioners. Rs. 1 Lac has been deposited in the account in the name of M/s M.A. & Company. Petitioners have got no criminal antecedent. Co accused Manju Devi has been granted anticipatory bail vide order dated 17.04.2019 passed in Criminal Miscellaneous No. 28063 of 2019.

Learned counsel for the Informant vehemently opposes the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on



anticipatory bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Parbatta P.S. Case No. 88 of 2018**, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(S. Kumar, J)

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