

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56071 of 2019

Arising Out of PS. Case No.-347 Year-2017 Thana- BIKRAM District- Patna

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1. Baikunth Prasad, Son of Late Baldeo Mahto, Resident of Village - Bharamasthan, Bihar Sharif, P.S.- Chandi, District - Nalanda.
 2. Radhika Devi, Wife of Baikunth Prasad, Resident of Village - Bharamasthan, Bihar Sharif, P.S.- Chandi, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Tewary, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 19-09-2019 Heard learned counsel for the petitioners and the
learned counsel appearing on behalf of the State.

The petitioners are in custody since 15.07.2019 in connection with Bikaram P.S. Case No.347 of 2017 registered for the offence under Sections 467, 468, 471, 419, 420, 120B/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the entire case against the present petitioners is on the basis of conjectures and surmises and no amount of money has ever gone into the account of the present petitioners. It is further submitted that the three persons as have been named are alleged to have clandestinely taken the money on the basis of



some agreement, but out of the three persons, said Chandramani Kumar has since been extended the privilege of regular bail in Cr.Misc. No.24593 of 2018, vide order dated 26.04.2018. Learned counsel for the petitioners submits that the petitioners were only the partners in the firm and there is no evidence against the present petitioners to indicate that the petitioner no.1 and his wife had cheated the informant. It is further submitted that for the same amount of money, the informant has also filed a money suit, which is pending in the Civil Court, Malerkotla, Punjab, vide CS/785/2018 for the same amount, as is alleged in the present F.I.R. He thus submits that the petitioners' role being remote and not specific in connection with the alleged cheating, they may be extended the privilege of regular bail.

Having considered the entire facts and circumstances of the case and after perusing the record, it appears that the entire case is also in the nature of civil dispute regarding the transaction between the parties.

In view of the aforementioned facts and circumstances, let the petitioners, above named, be released on bail on their furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to



the satisfaction of the learned Additional Chief Judicial
Magistrate-IV, Danapur, Patna, in connection with Bikaram
P.S. Case No.347 of 2017.

(Anjana Mishra, J)

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