

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63012 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- CHAUTHAM District- Khagaria

1. MANJU DEVI Wife of Pappu Bhagat Resident of Village- Thuthi, at presently residing Karua, P.S.- Chautham, District- Khagaria.
2. Pappu Bhagat Son of Late Pratap Bhagat Resident of Village- Thuthi, at presently residing Karua, P.S.- Chautham, District- Khagaria.
3. Lutti Bhagat @ Sumit Kumar Son of Pappu Bhagat Resident of Village- Thuthi, at presently residing Karua, P.S.- Chautham, District- Khagaria.
4. Aman Kumar Bhagat Son of Pappu Bhagat Resident of Village- Thuthi, at presently residing Karua, P.S.- Chautham, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai
For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-10-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 419, 420, 506/34 of the Indian Penal Code registered in connection with Chauthan P.S. Case No. 85/2019.

3. It is submitted that the petitioners have been falsely implicated in a transaction relating to supply of maize to the petitioner no. 2 for a value of Rs. 3,61,000/- out of which only Rs. 2,00,000/- has been paid by the petitioner no. 2. The only accusation against the petitioner nos 1, 3 and 4 is of abusing the informant upon payment for the remaining price being made by him. The present FIR has been lodged in



retaliation to the earlier FIR in Chauthan P.S. Case No. 84/2019 (Annexure-2) lodged by the petitioner no. 4 alleging extortion by the informant's side. In any event the petitioner no. 2 undertakes to make payment of the remaining amount of Rs. 1,61,000/- to the informant. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 2 be released on provisional bail and petitioner nos. 1, 3 and 4 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri S.M. Tripathi, learned Judicial Magistrate, Khagaria in connection with Chauthan P.S. Case No. 85/2019, 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 themselves 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,



their bail bonds shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioner no. 2 shall be confirmed by the learned Court below if the petitioner no. 2 deposits an amount of Rs. 1,61,000/- before the learned Court below within a further period of six weeks after furnishing bail bond, to enable payment to the informant. If the petitioner fails to deposit the amount in question within the period stipulated, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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