

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79013 of 2019

Arising Out of PS. Case No.-57 Year-2018 Thana- MAHKAR District- Gaya

1. MUKESH SHARMA (Male), aged bout 36 years.
2. Nirbhay Sharma (Male), aged about 42 years.

Both are sons of Tapur Singh @ Tapeswar Sharma @ Tapeswar Singh @ Tapu Sharma, Resident of Village - Chhotiya, P.S.- Mahkar, Distt.- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioners and
learned counsel for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Mahkar P.S. Case No. 57 of 2018, registered for the offence under Sections 147, 148, 149, 323, 504, 506, 386, 467, 468, 471, 379, 406, 420 and 120(B) of the Indian Penal Code.

Allegation has been made that there was an agreement between the parties for sale of Sumo Victa car. By way of consideration amount, the informant has paid an amount



of Rs.75,000/-. On 05.04.2018, when the informant has gone to pay the rest amount as well as to take the papers of the vehicle, the accused persons forcibly taken away the money as well as documents including the said Suo Victa Car from the petitioner. It has also been alleged that when the informant raised objection, the accused persons threatened for dire consequences.

Learned counsel for the petitioners submits that the alleged incident has taken place on 05.04.2018 but, the F.I.R. has been lodged after a delay of six days that too without any explanation.

Looking to the entire facts and circumstances of the case, let the petitioners, above named, be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, IX, Gaya, in connection with Mahkar P.S. Case no. 57 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure. Further condition is that whenever the police will call the petitioners for the purposes of investigation and interrogation, they will remain present for the



investigation. In the event of being absent on two consecutive dates without reasonable explanation, the present order will be treated to have been cancelled.

(Shivaji Pandey, J)

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