

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1975 of 2019

Arising Out of PS. Case No.-348 Year-2018 Thana- BANKA District- Banka

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1. Suman Jee Jha, Son of Harshnath Jha, Resident of Priya Darsani Nagar, Dohbiya Kothi, Police Station – Tilkamanjhi, District – Bhagalpur.
 2. Pawan Kumar Singh, Son of Vijay Kumar Singh, Resident of Badi Ibrahimpur, Police Station – Sabour, District – Bhagalpur.
 3. Satyadev Singh @ Rase Singh son of Late Amarjeet Singh, Resident of Jamua, Police Station – Amarpur, District – Banka.
 4. Sudharshan Jha, Son of Badri Jha, Resident of Vijaynagar, Police Station – Banka, District – Banka.
 5. Harshnath Jha, Son of Late Ganesh Jha, Resident of Priya Darsani Nagar, Dohbiya Kothi, Police Station – Tilkamanjhi, District – Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar
For the Respondent/s	:	Mr.Sri Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-01-2019 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Banka P.S. Case No. 348 of 2018 dated 21.05.2018 instituted for the offences under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code.

The petitioners no. 1 and 2 are alleged to have enticed the informant into her executing a power of attorney in favour of the petitioners for the purposes of alienating/selling her plots of land.

Learned counsel appearing for the petitioners has submitted that an absolutely wrong allegation has



been levelled by the informant who had herself approached petitioners no. 1 and 5 for arranging buyers for her property. It was only for the aforesaid purpose that such power of attorney was executed in favour of the petitioners with limited authority of disposing of certain named property in the aforesaid power of attorney.

Learned counsel for the petitioners has further submitted that pursuant to the aforesaid power of attorney, no land belonging to the informant has been alienated/transferred/sold and the petitioners also undertake that they shall not dispose of any property falling in the name of the informant by virtue of the aforesaid power of attorney.

Learned counsel for the petitioners has also submitted that if the allegations were true, the informant would have proceeded for cancellation of the power of attorney or would have filed Title Suit with respect to unauthorized alienation of her property. In the absence of either, the allegations appear to be incorrect. It has also been submitted on behalf of the petitioners that the informant is in the habit of filing such false cases only for the purposes of selling one property to various investors.

Based on the undertaking given by the



petitioners that they shall not act upon the power of attorney for the purposes of selling any land belonging to the informant, this Court does not require the necessity of issuing notice to the informant for the purposes of grant of bail.

For the aforestated facts as also taking into account the undertaking given by the counsel for the petitioners referred to above, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 348 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, it is made clear that if the aforesaid undertaking is ever breached, the informant would have the authority to approach the court below for cancellation of anticipatory bail of the petitioners.

(Ashutosh Kumar, J)

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