

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8436 of 2020

Arising Out of PS. Case No.-542 Year-2019 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Gayatri Sinha @ Gayatri Devi W/o Late Devendra Prasad Sinha
 2. Niraj Kumar
 3. Pankaj Kumar
 4. Pawan Kumar
 5. Prabhash Kumar All sons of Late Devendra Prasad Sinha Resident of Mohalla- Shankar Nagar, Behind Nand Vivah Bhawan, P.S.- Mithanpura, P.O.- Ramna Distt- Muzaffarpur Pin- 842002

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Ram Prasad Suman S/o - Late Rajballabh Bhagat Resident of Village- Harpur Arra, P.S.- Goroul, Distt- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Maruth Nath Roy
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

Petitioners are apprehending their arrest in Complaint
Case no. 542/2019 in which cognizance has been taken under
sections 420, 406 and 120B/34 of the IPC.

Prosecution case is that petitioners have not honoured
the land deal after taking money and have neither executed sale
deed in favour of the complainant nor they have returned money
taken for proposed sale.



Counsel for the petitioners submits that no deal whatsoever based on any agreement was made with the complainant. Thus, copy of the agreement has not been placed along with complaint in the court below. It is out and out a false case. Petitioners deal with others and in support thereof they have placed on record Annexures 2 and 3 showing some detail of payment by other persons.

It is submitted that prosecution is based on extraneous consideration.

Considering the aforesaid submissions, prayer for anticipatory bail is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, above named petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, East Muzaffarpur in Complaint Case no. 542/2019 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

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