

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2630 of 2020**

Arising Out of PS. Case No.-289 Year-2016 Thana- GARDANIBAG District- Patna

1. Manish Kushwaha @ Manish Kumar Son of Raghunandan Kushwaha Resident of Village - Chutiya, P.S. - Chutiya, District - Ranchi (Jharkhand).
2. Santosh Kumar @ Santosh Sahu @ Santosh Sah Son of Shankar Prasad Resident of Village - Chutiya, House No. 976/B, Shankar Sahu Nayak Toli, P.S. - Chutiya, District - Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Shyameshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      27-02-2020                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406, 420, 467, 468, 471, 120B of the Indian Penal Code and Section 138 of N.I. Act.

The prosecution case as per the written report of Girija Nandan Sharma submitted to Station House Officer of Gardanibagh Police Station is to the effect that through middlemen namely, co-accused Jitendra Mahto, Dilip Kumar, Umesh Thakur and Kalika Prasad, the son, daughter and one relative of the informant purchased one piece of land appertaining to Khesra Nos. 820, 821 measuring an area of 159



decimals situated in village – Turup, P.S. - Anagarah, District – Ranchi and the sale deed was executed by co-accused on the basis of a power of attorney but subsequently, the informant came to know that the said power of attorney is forged and the original landlord conveyed that in fact, he has not executed any power of attorney to anyone with regard to the land in question. Thereafter, co-accused Dilip Kumar, Jitendra Mahto and Kalika Prasad assured to return the money and handed over cheques to the informant and ultimately, the cheques were dishonoured. It is further submitted that the petitioners are witnesses to the power of attorney.

It is submitted by learned counsel for the petitioners that the petitioners are not named in the FIR and thrust of accusation is against co-accused Dilip Kumar and petitioners have not received any money from the informant and the petitioners are accused in one another case filed by the informant in which they are on bail.

Learned APP submits that the petitioners are witnesses of the power of attorney.

Considering the fact that the thrust of accusation is against co-accused Dilip Kumar and his middlemen and the petitioners are only witnesses to the power of attorney, let the



above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge XIV -cum- A.C.J.M. XIV, Patna in connection with Gardanibagh P.S. Case No. 289 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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