

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5588 of 2020

Arising Out of PS. Case No.-16 Year-2018 Thana- KADAMKUAN District- Patna

1. YUGAL KISHORE SHARMA, aged about 87 years, Male, son of Late Pandit Dhanraj Sharma, Resident of Arya Kumar Road, P.S. - Kadamkuan, District - Patna
2. Rupesh Kishore Sharma, aged about 43 years, Male, Son of Yugal Kishore Sharma, Resident of Arya Kumar Road, P.S. - Kadamkuan, District - Patna

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Rajeev Ranjan, Adv.

For the Opposite Party : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 28-01-2020 Learned counsel appearing for the petitioners submits that petitioner no. 1, Yugal Kishore Sharma, has died on 15.01.2020, as mentioned in mentioning slip, hence, his prayer for bail has become infructuous.

The anticipatory bail application on behalf of petitioner no. 1, Yugal Kishroe Sharma, is dismissed as infructuous.

Heard learned counsel for the petitioner no. 2, Rupesh Kishore Sharma, and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Kadamkuan P.S. Case No. 16 of 2018 (G.R. No. 337 of 2018), registered under Sections 420, 406 and 427 of the Indian Penal



Code.

The accusation is that informant, Arvind Kumar, entered into agreement with Yugal Kishore Sharma, father of petitioner no. 2, Rupesh Kishore Sharma, and petitioner no. 2 for 5005 sq. ft. of land of plot no. 1784 situated in Mohalla Rajendra Nagar for his business work and gave advance of Rs.6,00,000/-, but, neither possession was given nor money was returned. The informant later on came to know that with respect to said land they had already entered into the agreement with M/s Blue Haven Agro Industries Limited on which multi storeyed building is being constructed.

Submission is that the petitioner is the son of co-accused, Yugal Kishore Sharma, and agreement was also executed, as detailed in the complaint petition, but, only Rs.5,50,000/- was paid by the informant, but, due to some dispute, out of Rs.5,50,000/-, Rs.1,50,000/- has been returned and remaining amount is to be returned. More so, the dispute, as detailed in the first information report, is of civil in nature.

Having regard to the facts and circumstances of the case, let the petitioner no. 2, Rupesh Kishore Sharma, in the event of surrender/arrest, within a period of four weeks from today, in connection with Kadamkuan P.S. Case No. 16 of 2018



(G.R. No. 337 of 2018) shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Om Prakash, VI, Sub Judge VII-cum-Additional Chief Judicial Magistrate, Patna, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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