

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22290 of 2020

Arising Out of PS. Case No.-137 Year-2020 Thana- BHAGWAN BAZAR District- Saran

1. LAL BABU SAH Son of Late Vishwnath Sah Resident of Mohalla- Ratanpura Ahirtoli, P.S.- Bhagwan Bazar, District- Saran.
2. Shakuntala Devi Wife of Lal Babu Sah Resident of Mohalla- Ratanpura Ahirtoli, P.S.- Bhagwan Bazar, District- Saran.
3. Murari Kumar Son of Lal Babu Sah Resident of Mohalla- Ratanpura Ahirtoli, P.S.- Bhagwan Bazar, District- Saran.
4. Vijay Prasad Son of Lal Babu Sah Resident of Mohalla- Ratanpura Ahirtoli, P.S.- Bhagwan Bazar, District- Saran.
5. Pramod Kumar Gupta Son of Lal Babu Sah Resident of Mohalla- Ratanpura Ahirtoli, P.S.- Bhagwan Bazar, District- Saran.
6. Tinku Kumar Son of Lal Babu Sah Resident of Mohalla- Ratanpura Ahirtoli, P.S.- Bhagwan Bazar, District- Saran.
7. Munna Kumar Son of Lal Babu Sah Resident of Mohalla- Ratanpura Ahirtoli, P.S.- Bhagwan Bazar, District- Saran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Reka Mishra, Wife of Satyendra Kumar Mishra Resident of Village- Kolhuwa, P.S.- Sahajeetpur, District- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 13-10-2020 Heard Mr. Mukesh Kumar Singh, learned counsel for the petitioner; Mr. Tapeswar Sharma, learned APP for the State; and Mr. Vijay Shankar Choubey, learned counsel for Opposite Party No. 2.

The petitioners no. 2 to 7 were granted



anticipatory bail by order dated 24.08.2020 because the entire allegation was directed against petitioner no. 1 (Lal Babu Sah).

Mr. Mukesh Kumar Singh, learned counsel for the petitioner, on instructions, submits that the petitioner is ready to return Rs. 5,00,000/- which amount he had received from the Opposite Party No. 2.

The aforesaid statement has been disputed by the counsel for Opposite Party No. 2, who submits that 7.5 lakhs had actually been given to petitioner no. 1.

However, considering the stand of the petitioner no. 1 of returning Rs. 5,00,000/-, which would be subject to the rights and contention of the informant later in this case, this Court is inclined to confirm the provisional anticipatory bail to the petitioner.

The petitioner shall be under an obligation to return Rs. 5,00,000/- to the Opposite Party No. 2 within a period of three months, to be counted from today.

The provisional bail of the petitioner is hereby



confirmed and he shall remain on the same bail bonds.

However, if the petitioner defaults in making payment of Rs. 5,00,000/- to the informant, it would be open for the informant to file an application for cancellation of the anticipatory bail granted to the petitioner.

The informant shall accept the aforesaid amount reserving his rights and contentions to be agitated in this case later.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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