

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27006 of 2020

Arising Out of PS. Case No.-401 Year-2013 Thana- GAYA MUFASIL District- Gaya

DEVSHANKAR MALAKAR @ RAHUL Son of Sri Arjun Malakar Resident
of Village - Bhadeza, P.S.- Mufassil, District - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Bal Mukund Pd. Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-11-2020 . As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Bal Mukund Pd. Sinha, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Mufassil PS Case No. 401 of 2013 registered under Section 406 of the IPC.

The prosecution case alleges that having paid Seventy-one thousand rupees to the petitioner and execution of agreement to sale, the petitioner has not honoured the same nor has he returned the money.

It is submitted by learned Counsel for the petitioner that



the allegations are false to extort money from the petitioner. No agreement to sale has been annexed with the FIR. He submits that there is no agreement to sale whatsoever and neither has any money been received by the petitioner. Prima facie the allegations give rise to a civil dispute between the parties. The petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Gaya in Mufassil PS Case No. 401 of 2013 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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