

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78565 of 2019

Arising Out of PS. Case No.-398 Year-2018 Thana- AMARPUR District- Banka

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1. PAPPU CHOUDHARY Son of Yogendra Choudhary Resident of Village - Rampur, P.S.- Amarpur, District- Banka
 2. Vikash Choudhary @ Vikash Kumar Choudhary Son of Yogendra Choudhary Resident of Village - Rampur, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-01-2020 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no.1, namely, Pappu Choudhary, since he has already been arrested. The present petition qua the petitioner no.1 stands dismissed as not pressed.

The petitioner no.2 i.e. Vikash Choudhary @ Vikash Kumar Choudhary, apprehends his arrest in connection with Amarpur P.S. Case No. 398 of 2018 for the offence punishable under Sections 420, 467, 468/34 of the Indian Penal Code.

The allegation is regarding the land of the informant being sold by the co-accused person namely Shiv Shankar Yadav to the mother of the petitioners in a fraudulent manner and the petitioners are stated to be the sons of the said



purchaser, namely, Manju Devi.

The learned counsel for the petitioners has submitted that the petitioners are neither the purchaser nor the seller nor witness to the execution of sale deed of the land in question, hence there is no impediment to grant bail to the petitioners. It is further submitted that the petitioners are having clean antecedent and have been falsely roped in the present case.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner coupled with the fact that the petitioner have got no role to play for execution of the sale deed inasmuch as the petitioners are neither the purchaser nor the seller nor the witness to the sale deed in question, I deem it fit and proper to admit the petitioner No.2 to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner no.2, namely, Vikash Choudhary alias Vikash Kumar Choudhary, is directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka, in connection with Amarapur P.S. Case No. 398 of 2018, subject to



the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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