

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85841 of 2019

Arising Out of PS. Case No.-128 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

Himanshu Shekhar @ Pintu, Son of Vinod Chaurasiya @ Vinod Kumar Modi
Resident of Village- koushalpur, P.S.- Amarpur, District- Banka at present
residing at Durga Athan, Mirjhanhat, Sikanderpur Road, P.S.- Mojhaahidpur,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Mouzahidpur P.S. Case No.128 of 2019, registered for the
offence punishable under Sections 406, 420, 354, 506, 34 of the
Indian Penal Code.

The allegation against the petitioner as per the first
information report is that the petitioner, along with his brother
Sudhanshu Shekhar @ Minto, entered into an agreement with
the informant that they would return the money to the informant
inasmuch as they would not be able to transfer the plot in the
name of son of the informant.

Mr. Rakesh Kumar Sinha, learned counsel appearing



for the petitioner submits that petitioner has falsely been implicated in this case merely on the basis of fact that he happens to be the brother of Sudhanshu Shekhar with whom the informant had an agreement dated 04.07.2018 (Annexure-2 to this application). Learned counsel further submits that from perusal of this agreement, it would be evident that petitioner has not signed the agreement and the same was executed between the informant as well as the brother of the petitioner in which the brother of the petitioner has undertaken that he would return a sum of Rs.5,67,000/- to the informant which was given by the informant and her son Abhishek for the purpose of purchase of a piece of land from the brother of the petitioner, Sudhanshu Shekhar @ Minto. Learned counsel, referring to page 24 of the bail application, submits that police had recommended initiation of a proceeding under Section 107 Cr.P.C. against the brother of the petitioner, Sudhanshu Shekhar and the informant, which is part of the FIR, and not against this petitioner. Learned counsel thus submits that the petitioner is not at all involved in the present matter.

After having heard learned counsel for the parties and taking into consideration the fact that agreement at Annexure-2 is between the brother of petitioner, Sudhanshu



Shekhar and the informant and the brother of the petitioner has undertaken to return the money to the informant and petitioner is not signatory to the same, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Mouzahidpur P.S. Case No.128 of 2019, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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