

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22318 of 2021

Arising Out of PS. Case No.-176 Year-2019 Thana- BIKRAM District- Patna

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1. DEVENDRA PRASAD Son of Kamala Prasad Resident of Village - Danara, P.S.- Bikram , Distt.- Patna.
 2. Tubhu @ Amit Kumar Son of Devendra Prasad Resident of Village - Danara, P.S.- Bikram , Distt.- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohit Raj
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-01-2022 This matter has been taken up for hearing online because of COVID – 19 pandemic restrictions.

At the outset, learned counsel for the petitioner submits that the petitioner no.2, namely, Tubhu @ Amit Kumar has been granted bail and as such, he seeks permission to withdraw the application of petitioner no. 2.

Permission is granted.

Accordingly, the application of petitioner no. 2 is dismissed as withdrawn.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners are expected to



honour their undertaking to remove the defects, as pointed out by the office, when called upon to do so by the office.

The petitioners are apprehending their arrest in connection with Bikram Case No. 176 of 2019 for the offence registered under Sections 420, 467, 468, 384 and 506/34 of the Indian Penal Code.

The informant has alleged that in the year 2016 she had executed a deed for agreement of sale for 42 decimals of land to the accused persons but they did not pay the sufficient amount of land to the informant in the fixed period. The informant has alleged that in the year 2018, the accused paid a sum of Rs. 27,50,000/- and asked her that they had made agreement with her for sale of 55 decimal.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. It is further submitted that similarly situated co accused persons have been granted bail by a co-ordinate Bench of this court vide order dated 11.01.2021 passed in Cr. Misc. No. 17518 of 2020. It is a case of civil nature and the counter blast of Civil Suit No. 15 of 2019. It is further submitted that the petitioners have no criminal antecedent.

Considering the facts and circumstances of the case,



let the petitioner no. 1, namely, Devendra Prasad, in the event of their arrest/surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur in connection with Bikram Case No. 176 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Sunil Kumar Panwar, J)

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