

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31424 of 2021

Arising Out of PS. Case No.-412 Year-2020 Thana- BODHGAYA District- Gaya

1. Malti Devi W/o Shyam Sundar Sao @ Shyam Sundar Prasad R/o village- Tika Bigha, Mocharim, P.S.- Bodh Gaya, District- Gaya
2. shyam sunder sao @ shyam sunder prasad S/o Late Bal Kishun Sao R/o village- Tika Bigha, Mocharim, P.S.- Bodh Gaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.APP

For the informant Mr. Ravindra Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-02-2022 It is submitted by learned counsel for the petitioners that during pendency of this application, petitioner no. 1 has died and, as such, he seeks permission to withdraw this application only against petitioner no. 1.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no. 1.

This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.



The instant application for anticipatory bail has been filed by the petitioner no. 2 apprehending his arrest in connection with Body Gaya P.S. Case no. 412 of 2020 instituted for the offence under Sections 406, 420, 504, 506 and 34 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

As per allegation in the FIR, co-accused Subham Kumar has borrowed Rs. 8 lacs from the informant for opening jewellery shop with a promise to return the same within six months. Petitioner is guarantor of the said transaction and in this regard an agreement was also prepared on stamp paper of Rs. 1000/- in presence of witnesses. When the time lapsed, informant asked to return his amount to which petitioner denied and and threatened of dire consequence. A cheque, which was issued by Subham Kumar to the informant, was bounced due to insufficient fund.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent. He has no concern with the alleged transaction. He is father of the main accused, namely, Subham Kumar.

Learned APP appearing for the State has opposed the



prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner no. 2 on bail. The petitioner no. 2 is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Bodh Gaya P.S. Case no. 412 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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