

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65418 of 2021

Arising Out of PS. Case No.-142 Year-2021 Thana- SABAUR District- Bhagalpur

1. ARVIND KUMAR @ NIRANJAN KUMAR S/o Bhikari Singh @ Bhikhari Singh Resident of Village - Digha, P.S. - Dhangoai, District - Ara (Bhojpur), at present r/o Hanuman Dharam Kanta Near Kutti Dukan, P.S. and Sadar District - Ranchi (Jharkhand).
2. Ajay Kumar S/o Bhikari Singh @ Bhikhari Singh Resident of Village - Digha, P.S. - Dhangoai, District - Ara (Bhojpur), at present r/o Hanuman Dharam Kanta Near Kutti Dukan, P.S. and Sadar District - Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-07-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 406, 420, 504, 506/34 of the Indian Penal Code and Section 138 of the N.I.Act.

As per the prosecution case, in the year 2018, the informant became familiar with co-accused Sunil Kumar and thereafter, it is alleged that informant paid Rs. 33,00,000/- (Thirty three lacs) to co-accused Sunil Kumar in presence of witnesses and family members including these petitioners and when informant demanded his money, co-accused issued three cheques in favour of informant, but all the cheques bounced due to insufficient fund.



It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case merely because they happen to be younger brothers of co-accused Sunil Kumar. From bare perusal of F.I.R., it is apparent that specific allegation of taking money is against co-accused Sunil Kumar and it was co-accused Sunil Kumar, who issued cheques, which later on dishonored due to insufficient fund. Petitioners are only alleged to be present at the time of transaction, which took place between co-accused Sunil Kumar and informant.

However, learned A.P.P. opposes the prayer for anticipatory bail and submits that petitioners are named in the F.I.R. He further submits that petitioner no.1 has got criminal antecedent and he is accused in three more cases of similar nature.

Considering the criminal antecedent of petitioner no. 1, the prayer for anticipatory bail of petitioner no. 1 is refused.

So far as prayer for anticipatory bail of petitioner no. 2, above-named, is concerned, in the event of his arrest/surrender within a period of six weeks from today, he is directed to be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in



connection with Sabour P.S. Case No. 142 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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