

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4909 of 2023

Arising Out of PS. Case No.-453 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

1. ASHUTOSH KUMAR SHUKLA Son of Binod Kumar Shukla, Resident of Tardiha, P.S.- Jagdishpur, District- Bhagalpur.
2. RAM KRISHNA SHUKLA Son of Binod Kumar Shukla, Resident of Tardiha, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambrish Kumar Jha

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 25-01-2023 Heard the learned counsel for the petitioners as well as the learned APP for the State.

At the outset, the learned counsel for the petitioners has submitted that during the pendency of this criminal miscellaneous petition, petitioner no. 2 has been arrested, as such, it has become infructuous with respect to him. He, therefore, seeks permission to withdraw this criminal miscellaneous petition with respect to him.

Permission is accorded and **this petition is dismissed as withdrawn with respect to petitioner no. 2.**

So far as **petitioner no. 1 is concerned**, he apprehends his arrest in connection with Jagdishpur P.S. Case No. 453 of 2022 registered for offence punishable under sections 406, 420, 354,



504 and 506 of the Indian Penal Code.

As per allegation, an agreement to sale was entered between the informant and Binod Kumar Shukla, the father of the petitioners. The father of the petitioners received Rs.11,50,000/- as advance and the sale deed was prepared, and it was agreed between the parties that after payment of entire consideration money, the sale deed would be executed. Meanwhile, the father of the petitioners was taken into custody in another case and there is allegation that petitioner no. 1 demanded Rs. 50,000/- from the informant for expenses incurred in obtaining the bail of his father, to which she had paid, but neither the sale deed was executed nor her money was returned.

The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case merely because they are the sons of main accused Binod Kumar Shukla. There is no agreement between the petitioners and the informant.

Considering the above-mentioned facts and circumstances, let **petitioner no. 1** in the event of his arrest or surrender, within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case
No. 453 of 2022, subject to condition as laid down under section
438(2) Cr. P.C.

(Nawneet Kumar Pandey, J)

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