

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22743 of 2023

Arising Out of PS. Case No.-356 Year-2020 Thana- PHULWARISHARIF District- Patna

1. Madhuri Sharan Wife Of Bipin Bihari Sharan Resident Of Mitra Mandal Colony, Saket Vihar, P.S.- Phulwari Sharif, District - Patna
2. Swati Kumari @ Swati Wife Of Krishna Gupta Resident Of Mitra Mandal Colony, Saket Vihar, P.S.- Phulwari Sharif, District - Patna
3. Bipin Bihari Sharan Son Of Brahamand Sahay Resident Of Mitra Mandal Colony, Saket Vihar, P.S.- Phulwari Sharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rishikesh Narayan Sinha
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh
	:	Mr. Subhash Kumar Jha
	:	Mr. Sumit Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-09-2023 Heard learned counsel for the petitioners and learned
APP for the State assisted by learned counsel for the informant.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406 and 420/34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, allegation against the petitioners is that after taking money from the informant they have not executed the sale deed in favour of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is civil dispute between the parties. He submits that in order to grab the building of the petitioners, the informant lodged this case against them. He further



submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State along with learned counsel for the informant opposes the prayer for bail and submits that petitioners have taken loan on the said property but they did not disclose this fact to the informant when the agreement was being made between them and the copy of the agreement was signed in the learned Court below. Hence, they do not deserve anticipatory bail.

6. Considering the aforesaid facts and circumstances and the fact that there is civil dispute between the parties, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Phulwari Sharif P.S. Case No.356/2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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