

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22939 of 2024

Arising Out of PS. Case No.-121 Year-2017 Thana- AURAI District- Muzaffarpur

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1. Hemant Kumar Son of Ram Suresh Pandey Resident of Village- Bhado, P.S.- Aurai, District- Muzaffarpur
 2. Jawahar Rai Son of Late Achchelal Rai Resident of Village- Chahunta, P.S.- Aurai, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Presently Posted(Co-operative Extension Officer, Aurai) Posted at Aurai Block and P.S. Aurai Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s	:	Mr. Rakesh Kumar Jha, Advocate
For the State	:	Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 04-10-2024 Heard the parties.

2. The petitioners apprehend their arrest in connection with Aurai P.S. Case No. 121 of 2017 dated 17.07.2017 registered for the offence(s) punishable under Section(s) 406, 420 and 409 of the Indian Penal Code.

3. Mr. Hari Kishore Thakur, learned Counsel for the petitioners submits that this is the second attempt of the petitioners to get the relief of anticipatory bail and earlier prayer for anticipatory bail was rejected vide order dated 27.04.2018 passed in Cr. Misc. No. 58377 of 2017 and by that order, the prayer of two co-accused, namely, Kamlesh Kumar @ Kamlesh Tiwari and Lalbabu Rai was also rejected and thereafter out of the said co-accused, one Kamlesh Kumar @ Kamlesh Tiwari



preferred Cr. Misc. No. 51018 of 2023 for the same relief of anticipatory bail which was granted mainly considering payment of the entire amount of Rs. 6,84,700/- in the Central Co-operative Bank, Muzaffarpur which was the settlement amount and on the same ground, both the petitioners have renewed their anticipatory bail prayer.

4. It is further submitted that after much efforts, a settlement has been made between the petitioners and Muzaffarpur Central Co-operative Bank and petitioners were permitted to deposit Rs. 5,18,901.80/- (Rupees Five Lakhs Eighteen Thousand Nine Hundred One and Eighty Paise) and Rs. 4,48,717.53/- (Rupees Four Lakhs Forty Eight Thousand Seven Hundred Seventeen and Fifty Three Paise) as a one time settlement amount by the Central Co-operative Bank, Muzaffarpur and thereafter both the petitioners have deposited the said amount and in this regard, Annexure-P/3 series is relevant which proved the payment of the said amount by the petitioners.

5. Mr. Rakesh Kumar Jha, learned Counsel who has appeared in the light of the order dated 20.09.2024 after having served notice upon him and he is representing Muzaffarpur Central Co-operative Bank and he accepts the above-mentioned



payments by the petitioners as a one time settlement and also accepts the genuineness of the above-mentioned annexures and he submits that regarding the payment as well as genuineness of the above annexures, he has verified the same by telephonic information from the Bank concerned.

6. Considering the above submissions and mainly taking into account the payment of the alleged amount of Rs. 5,18,901.80/- (Rupees Five Lakhs Eighteen Thousand Nine Hundred One and Eighty Paise) and Rs. 4,48,717.53/- (Rupees Four Lakhs Forty Eight Thousand Seven Hundred Seventeen and Fifty Three Paise) by the petitioners as a final settlement amount which has been accepted by the learned Counsel appearing for the Muzzafarpur Central Co-operative Bank and also coupled with the privilege of anticipatory bail having been granted to one similarly situated co-accused, namely, Kamlesh Kumar @ Kamlesh Tiwari by the learned co-ordinate bench of this Court, this Court is inclined to accept the anticipatory bail prayer of the petitioners. Accordingly, 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 in connection with Aurai P.S. Case No. 121 of 2017 on furnishing bail bond of Rs. 20,000/-(Twenty



Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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