

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27612 of 2024

Arising Out of PS. Case No.-38 Year-2020 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Ram Sevak Ray @ Ram Sevak, Son of Jag Bahadur Ray, Resident of Village- Bhihara, P.S.- Bihrha, Dist.- Samastipur, Bihar- 848216
 2. Nita Devi @ Leela Devi, Wife of Ram Sevak Ray, Resident of Village- Bhihara, P.S.- Bihrha, Dist.- Samastipur, Bihar- 848216

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahendra Mishra S/o Late Ram Palit Mishra R/o Village- Somnath Patti, P.S.- Ashok Paper Mill, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishal Vikram Rana, Advocate Ms. Misha Bharti, Advocate Ms. Ananya Shivani, Advocate Mr. Aditya Singh, Advocate
For the Opposite Party/s :		Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with C.R. No. 38 of 2020, instituted under Sections 406, 417 of
the Indian Penal Code.

3. As per the prosecution case, accused persons after
making conspiracy with each other taken Rs. 9,27,830/- from
the complainant and his wife in the name of providing tractor
and the said tractor has been purchased in the name of Petitioner
No. 2 Nita Devi @ Leela Devi.



4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Petitioners are *Sala* and *Sarhaj* respectively of the complainant. Petitioner No. 2 had taken loan from the Bank and purchased the tractor in the year 2015 and the entire loan amount was paid in the year 2019. They are not involved in any conspiracy as alleged by the complainant. Petitioner No. 1 has one criminal antecedent and Petitioner No. 2 has clean antecedent. It is further submitted that similarly situated co-accused, namely, Rajeev Kumar Jha @ Rajeev Jha has already been granted anticipatory bail by this Court, vide order dated 16.10.2023 passed in Cr. Misc. No. 60243 of 2023.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submission of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court where the case is pending in connection with C.R. No. 38 of 2020, subject to the conditions



laid down in Section 438 (2) of the Code of Criminal Procedure,
1973.

(Sunil Dutta Mishra, J)

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