

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49047 of 2023

Arising Out of PS. Case No.-2858 Year-2013 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. ABDUL HANNAN SON OF LATE MEHRULLA Resident of Village - BALUGHAT, POST- SUKHASAN, PS- BARARI, DIST- KATIHAR
 2. ABDUL MAZID SON OF AJHAR ALI @ AKHTAR ALI Resident of Village - BALUGHAT, POST- SUKHASAN, PS- BARARI, DIST- KATIHAR
 3. JHULAN YADAV SON OF LATE KODAY YADAV RESIDENT OF VILLAGE- HAWAI ADDA, POST- DEHARIA, PS AND DIST- KATIHAR
 4. PRAMOD KUMAR @ PRAMOD KUMAR SAH SON OF UMESH SAH RESIDENT OF VILLAGE- HAWAI ADDA, POST- DEHARIA, PS AND DIST- KATIHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. LATIFURA RAHMAN SON OF PATAN ALI RESIDENT OF VILLAGE- BALUGHAT, PO- SUKHASAN, PS- BARARI (OP. SEMAPUR), DIST- KATIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar
For the Opposite Party/s	:	Mr. Narsingh Tanti
For the O.P. No. 2	:	Mr. Prashant Kashyap

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 04-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the O.P. No. 2.
2. Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no. 3 (Jhulan Yadav).
3. Permission is accorded.



4. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379, 406, 420 and 34 of the Indian Penal Code.

5. Learned counsel appearing on behalf of the O.P. No. 2 submits that in terms of the agreement dated 18.07.2012, the petitioners had taken loan from the O.P. No. 2 for purchasing a piece of land but after purchasing the land, they did not return the amount, it is next submitted that petitioner no. 3 herein Jhulan Yadav surrendered before the learned Trial Court after entering into a compromise that he will pay one fourth of the amount to the O.P. No. 2 out of Rs. 5,75,000/- and accordingly, he was granted the privilege of regular bail on the same day.

6. The learned counsel for the petitioners thus submits without going into the merits of the case that petitioner nos. 1, 2 and 4 will also return the amount taken from the O.P. No. 2 within a period of 3 months from today. It is next submitted that petitioners will repay an amount of Rs. 1,43,000/- each.

7. The learned counsel appearing on behalf of the O.P. No. 2, in view of the submissions made by the learned counsel for the petitioner, does not object the anticipatory bail application of the petitioners.

8. Considering the submissions made by the learned



counsel for the petitioners, the petitioner nos. 1, 2 and 4, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on Provisional anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 2858 of 2013 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. It is made clear that in the event if the petitioners do not pay the amount as agreed by 10.06.2024 and an application to that effect is filed by the O.P. No. 2 in that event the learned Trial Court shall forthwith cancel the provisional anticipatory bail bonds of the petitioners, but if no such application is filed by the O.P. No. 2 till 18.06.2024, in that event the learned trial court shall confirm the Provisional Anticipatory bail of the petitioners on same terms and conditions.

(Satyavrat Verma, J)

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