

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73652 of 2023

Arising Out of PS. Case No.-228 Year-2023 Thana- ATHMALGOLA District- Patna

1. KUMKUM SINHA Wife of Sri Anjani Abhiraj
2. Arun Rai Son of Sri Yogendra Rai
3. Jageshwari Devi Wife of Sri Yogendra Rai
All Resident of village - Budhara, P.S.- Athmalgola, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-02-2024 Heard Mrs.Vaishnavi Singh,learned counsel for the
petitioners and Mr.Ram Anurag Singh,learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Athmalgola P.S.Case No.228 of 2023, FIR
dated 01.08.2023 registered for the offences punishable under
Sections 406,420,504,506/34 of the Indian Penal Code.

3. According to prosecution case, the informant had
given a sum of Rs.15,60,000/- to the co-accused Anjani
Abhiraj for purchase of a piece of land but later the co-
accused told him that the land is not for sale and promised to
return the money. The co-accused gave Rs.2,25,000/- only.



When the informant went to the house of co-accused, Anjani, for demanding his rest amount, then all the accused persons, including the petitioners abused and threatened to kill him.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that the informant has not mentioned that which piece of land was to sell to Anjani Abhiraj and even the petitioner has not mentioned in the FIR that on which piece of land he has made agreement for sale with accused persons and apart from that the informant has not mentioned that by which mode he has paid the amount in question to the petitioners.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on



furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Barh, Patna in connection with Athmalgola P.S.Case No.228 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-



mentioned order shall not be delayed for purpose of or in the
name of verification.

(Rajesh Kumar Verma, J)

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