

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83617 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- BANSHI District- Jehanabad

1. SURENDRA KUMAR SON OF LATE JAGDISH SAO RESIDENT OF VILLAGE- MALI, POLICE STATION- BANSHI, DISTRICT- ARWAL
2. KAUSHAL KUMAR SON OF LATE JAGDISH SAO RESIDENT OF VILLAGE- MALI, POLICE STATION- BANSHI, DISTRICT- ARWAL
3. ANSHU KUMAR SON OF KAUSHAL KUMAR RESIDENT OF VILLAGE- MALI, POLICE STATION- BANSHI, DISTRICT- ARWAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rama Kant Sharma, Sr. Adv. Mr.Rakesh Kumar Sharma, Adv.
For the Opposite Party/s	:	Mr.Tarun Prasad Mandal, APP
For the Informant	:	Mr.Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 2 09-01-2024 Heard learned Senior Counsel for the petitioners, learned counsel for the informant and learned APP for the State.
2. Learned counsel for the Informant filed a counter-affidavit in the Court. The same is accepted and kept on record.
3. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 406 and 420 of the IPC.
4. Allegation against the petitioners is that after taking the consideration money from the informant for sale of a land, they neither executed the sale deed nor returned the money.
5. It is submitted by learned Senior Counsel for the



petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. It is submitted that as alleged that the amount of Rs.68,000/- was given to the petitioner no.3 and petitioner no.3 is ready to return the said amount at the time of filing of the bail bond, if bail is granted. There is no specific allegation against the petitioner nos.1 and 2. Petitioner nos.1 and 2 have one criminal antecedent and petitioner no.3 has no criminal antecedent.

6. Learned APP for the State as well as learned counsel for the informant vehemently opposed the prayer for bail.

7. Having regard to the facts and circumstances of the case, since the petitioner no.3 is ready to return Rs.68,000/- to the informant and there is no specific overt act against the other petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Banshi P.S. Case No.52 of 2023, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C.

8. However, learned Court below is directed to accept the bail bond of the petitioner no.3 after verifying that the aforesaid amount has been returned to the informant.

(Anjani Kumar Sharan, J)

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