

N THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9733 of 2013

Arising Out of PS.Case No. -280 Year- 2012 Thana -BIHARSHARIF District- Nalanda

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1. Manjeet Chaudhary, S/O Shri Dayanand Chaudhary, R/O Village - Bari
Aant, P.S. Nalanda, District – Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok, Advocate

For the Opposite Party/s : Mr. Janul Abedin (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 02-07-2015

The petitioner figured as an accused in Bihar P.S.

Case No.280 of 2012 registered for the offences punishable under

Sections 420, 406 & 120B along with Munna Kumar and others.

Apprehending his arrest, he filed ABP No.1185 of 2012 in the

Court of Sessions Judge, Nalanda. The same was rejected on

31.01.2013. Hence, this application under Section 438 Cr. P.C.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The other co-accused Munna Kumar was arrested,

and on his bail application being rejected by the trial Court, he

filed Cr. Misc. No.5055 of 2013 before this Court. The same was

disposed of on 24.07.2013 directing that in case, the petitioner

therein i.e. Munna Kumar, refunds the amount to the

complainant, the provisional bail granted to him shall become

absolute and, on the other hand, if default is committed, the provisional bail shall stand cancelled.

In view of the order passed therein it emerges that if the amount due to the complainant has been paid, the arrest of the petitioner may not be necessary. If, on the other hand, the amount is not paid, the petitioner shall be liable to be arrested, and the application shall stand dismissed.

15 days' time is granted to the petitioner to ensure that the amount is paid either by Munna Kumar or by himself to the complainant. On such payment, this application shall stand allowed and the petitioner shall not be arrested. If, on the other hand, the amount remains unpaid, the petitioner shall be liable to be arrested.

(L. Narasimha Reddy, CJ)

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