

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5732 of 2015

Arising out of PS.Case No. -6 Year- 2011 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

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Bijay Kumar @ Vijay Kumar, S/o Late Kamleshwari Yadav, R/o Village -
Patori, P.S. - Singheshwar, District - Madhepura.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate and M/S.
Naresh Kumar Mehta and Upendra Kumar
Choubey, Advocates.

For the Opposite Party : Mr. Subhash Chandra Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 29-04-2015 Heard learned senior counsel for the petitioner and the

learned Additional Public Prosecutor for the State as well as

learned counsel for the beneficiaries.

The allegation against the petitioner is that he supplied
sub-standard bricks to the victims of Koshi disaster and when the
officials interrogated the petitioner, he agreed to return the excess
amount but he did not deposit the excess amount within the
prescribed time rather he arranged some anti-social elements and
made protest in front of government office.

It would appear from the record that earlier this
petitioner took attempt thrice for grant of anticipatory bail but two

attempts were foiled on account that his arrest had already been stayed by the higher officials and so far as third attempt is concerned, his petition was dismissed under misconception that he had already been arrested.

Learned senior counsel appearing for the petitioner submits that the petitioner is ready to deposit half of the amount in question as up till now it has not been established in enquiry as to whether the petitioner had supplied sub standard bricks or not ? It is further contended that if after enquiry, it is found that the petitioner supplied sub-standard bricks causing loss to the beneficiaries, the petitioner shall deposit the entire balance amount as fixed by the Enquiring Officer.

Learned counsel appearing for the beneficiaries submits that the petitioner had filed Criminal Writ Jurisdiction Case No. 1197 of 2014 for quashing the First Information Report and subsequent proceedings but by a Co-ordinate Bench of this Court, vide order dated 17.12.2014, dismissed the above stated Criminal Writ Jurisdiction Case No. 1197 of 2014.

In view of the aforesaid submissions, this anticipatory bail application is allowed and it is ordered that the petitioner shall deposit Rs. 75,000/- in Nazarat of Sub Division, Madehpura, within four weeks from today and shall produce the receipt thereof

before the court of the learned Chief Judicial Magistrate, Madhepura/concerned court and if the petitioner does so, and surrenders before the learned Chief Judicial Magistrate, Madhepura/concerned court within four weeks from today, the learned Chief Judicial Magistrate, Madhepura, shall release the petitioner on anticipatory bail on furnishing bail bonds of Rs. 10,000/(Ten Thousand) with two sureties of the like amount each to its own satisfaction, subject to the conditions as laid down under Section 438(2) of Cr. P.C.

It is also made clear that within the above stated four weeks, the police shall not take any coercive steps against the petitioner.

U.K./-

(Hemant Kumar Srivastava, J)

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