

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25910 of 2015

Arising Out of PS.Case No. -43 Year- 2015 Thana -BARGANIA District- SITAMARHI

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1. Gajendra Rai son of Bilas Rai, R/o village- Pachtaki Ram, P.S.-
Bairginia, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Ashok Kumar Singh 1 (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 27-07-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with

Bairgania P.S. Case No. 43 of 2015 registered for the offences

punishable under Sections 406, 420/34 of the Indian Penal Code.

The accusation against the petitioner is that he took

settlement of Ghat and market but did not deposit Rs. 3,75,500/-

as royalty amount.

Learned counsel appearing for the petitioner drew my

attention towards Annexure-2 to this petition and submits that the

District Magistrate, Sitamarhi sent a report to the Commissioner,

Tirhut Division, Muzaffarpur mentioning this fact that dues

amount could be adjusted with the security amount deposited by

the petitioner for taking settlement of Ghat. Moreover, there appears to be no criminality in the facts and circumstances of the case and, at best, the administration can file a certificate case for realization of amount in question.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in Bairgania P.S. Case No. 43 of 2015 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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