

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27382 of 2014

Arising Out of PS.Case No. -46 Year- 2012 Thana -MOTIHARI CITY District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Manoj Kumar Son of Sri Surender Kumar Resident of Village-Kako,
Police Station-Kako,District-Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Satendra Prasad Singh

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Surendra Pd. Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 16-01-2015 Heard the parties.

This is an application for anticipatory bail for the
offence punishable under sections 406 and 420/34 of the I.P.C.

Allegedly the petitioner took Hot Mixture Plant and
bitumen from the informant and gave post dated cheque
amounting to Rs. 12,00,000/- of Punjab National Bank, Kako
Branch which was dishonored due to insufficient of fund and in
spite of the demand the petitioner did not pay the amount. Legal
notice was also sent but of no effect and as such the petitioner has
misappropriated the amount of the complainant by committing
breach of trust.

Submission is that the present case relates to civil

dispute. The petitioner is innocent and with ulterior motive this case has been lodged to which learned counsel for the informant opposes prayer for bail by submitting that the petitioner is habituated. From another man also he has taken the material and did not pay the amount for which another case is also going on against him.

In the facts and circumstances as stated above, considering that the petitioner misappropriated huge amount of the informant and as such this Court is not persuaded to grant privilege of pre-arrest bail to the petitioner. Accordingly, his such prayer stands rejected in connection with Motihari Town P.S. Case No. 46 of 2012 pending in the Court of C.J.M. Motihari.

(Jitendra Mohan Sharma, J)

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