

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46429 of 2014

Arising Out of PS.Case No. -288 Year- 2013 Thana -BRAHMPUR District- BUXAR

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Radhe Shyam Gupta, Son of Sri Ram Kishore Sah, Resident of Village -
Brahampur Chourasta, P.S. - Brahampur, District - Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 16-02-2015 Heard learned counsel for the petitioner and the learned
counsel for the State.

The petitioner is in custody since 24.8.2014 in connection with Brahampur P.S. Case No.288 of 2013 registered for the offences under Sections 406, 409 and 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

It is submitted on behalf of the petitioner that the present case has been instituted against the petitioner for recovery of the Government money even though there is an agreement arrived at between the parties. The amount is being recoverable by way of a proceedings under the Public Demands Recovery Act. In support of his contention, learned counsel for the petitioner has drawn the attention of this Court to Clause 15 of the Agreement between the

parties, contained in Annexure 4.

From perusal of the said Agreement (Annexure 4), it is clear that the Government money was to be recovered through a proceedings under the Public Demands Recovery Act.

Learned counsel for the petitioner further submits that in connection with the said case, a proceedings under the Public Demands Recovery Act has already been initiated against the petitioner, bearing Certificate Case No.48 of 2013-2014, in which the petitioner has already appeared.

Considering the aforementioned submissions and also the fact that in several other cases, similarly situated persons have been extended the privilege of bail by this Hon'ble Court, vide Annexure 5 Series, and also the fact that the petitioner has no other criminal case of similar nature, let the above named petitioner be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar, in connection with Brahampur P.S. Case No.288 of 2013.

(Anjana Mishra, J)

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