

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44226 of 2014

Arising Out of PS.Case No. -301 Year- 2014 Thana -GOPALGANJ (Town) District- GOPALGANJ

Dharmendra Kumar Rai S/o Bashistha Rai R/o vill.- Thepaha, P.S.- Jiradei,
Dist.- Siwan. Petitioner

Versus

The State of Bihar Opposite Party

With

Criminal Miscellaneous No.46304 of 2014

Arising Out of PS.Case No. -301 Year- 2014 Thana -GOPALGANJ CITY District- GOPALGANJ

Birmati Devi Wife of Basudeo Prasad, Resident of Lal Palace, Yadavpur
Road, P.O. and P.S. - Gopalganj, Dist.-Gopalganj Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

(In Cr.Misc. No.44226 of 2014)

For the Petitioner/s : Mr. Ajay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan, A.P.P.

(In Cr.Misc. No.46304 of 2014)

For the Petitioner/s : Mr. Y. V. Giri, Advocate

Mr. Ashish Giri, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

6 28-08-2015 Heard learned counsel for the petitioners and learned
Assistant Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Gopalganj (Town) P.S. Case No. 301 of 2014, disclosing
offences under Sections 406, 409, 420 and 379 of the Indian Penal
Code.

The petitioner of Criminal Miscellaneous No. 44226 of
2014 is said to be the proprietor of M/S Lal Medico Agency and
M/S Citadel Vigilance System whereas petitioner of Criminal

Miscellaneous No. 46304 of 2014, the proprietor of M/S Lal Medico, Generic Medicine Shop.

As per the prosecution case, they were appointed by the Health Society, Bihar to run shops of general medicine in the premises of Sadar Gopalganj, on the condition that they would deposit 72.25 per cent revenue share of sale proceed to Patient Welfare Committee, Sadar Hospital, Gopalganj. Allegedly, when the Sub-divisional Officer, Gopalganj made a surprise inspection of the shop, he detected violation of the agreement, inasmuch as, the customers were not being provided with the cash memo against the purchase of medicines. As per the prosecution case, this is how the petitioners caused loss to the State revenue by misappropriation.

Learned senior counsel appearing on behalf of the petitioner in Criminal Miscellaneous No.44226 of 2014, Mr. N. K. Agrawal and learned senior counsel appearing on behalf of the petitioner in Criminal Miscellaneous No. 46304 of 2014 Mr. Y. V. Giri submits that by an order dated 17.12.2014, this Court had been pleased to grant interim protection of not taking any coercive step against them. They submit that the petitioners have not misused the privilege of anticipatory bail so granted by this Court vide order dated 17.12.2014. They further submit that there is no chance of the petitioner tampering with the evidence or fleeing

from the course of justice. They, on the instructions of their client, submit that the petitioners would be assisting the investigating agency at each and every stage.

In view the submission as above, this application is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj (Town) P.S. Case No. 301 of 2014, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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