

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23629 of 2015

Arising Out of PS.Case No. -45 Year- 2015 Thana -ATRI District- GAYA

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1. Madan Singh S/o Late Hira Singh R/o Village- Tedha , P.S. Isuapur, District- Saran at Chapra, at present resident of Mohalla- Nutan Nagar, P.S. Civil Line, District- Gaya.
 2. Raj Narayan Singh S/o Sri Prahalad Singh resident of villlage- Kendui, P.S. Magadh Medical , District- Gaya.
 3. Sanjay Kumar Singh S/o Sri Chandradeep Singh resident of Village- Mahue, P.S. Manjhi, District - Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Ashraf Ansari (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 16-12-2015

Heard learned Counsel for the petitioner, learned Counsel for the O.P. No.2 and learned Counsel appearing on behalf of the State.

Earlier diary in the present case was called for which has been received. Learned Counsel for the petitioner submits that there was a agreement for undertaking construction works by the petitioner as the petitioner had fallen short of some money for completing the contracts allotted to him by the Building Construction Department. It is submitted that on completion of such works by him, the money which was drawn for construction in the name of the persons so allotted was not handed over to the

informant which resulted in a disputed. It is submitted on behalf of the petitioner that admittedly part of the money has been returned but certain amounts which were still due are not being returned which led to the filing of the present case.

Learned Counsel appearing on behalf of the informant, however, submits that there was an agreement entered into by the petitioner but the petitioner failed to comply the same, as he had undertaken to give the money within three days of receipt of cheque from the Department. Such document is however disputed by the petitioner as he stated that the petitioner has not signed thereon and the same is a forged and fabricated document manufactured by the informant only to implicate these petitioners. He further submits that actually the informant was a manager in his construction company and is not having the requisite amount of funds for financing an institution set up by the petitioner, which is in itself as a name in the department where they function.

Considering the entire facts and circumstances of the case and that even in the diary certain issues have been raised with regard to the consistency of the allegations made in the FIR, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of three weeks

from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Atri P.S. Case No. 45/2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

It is made clear that it is also open to the informant to have the veracity of the aforementioned agreement verified from the Forensic Science Laboratory, for which he may approach the court below.

(Anjana Mishra, J)

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