

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4047 of 2016

Arising Out of PS.Case No. -212 Year- 2015 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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Imteyaz Alam S/o Md. Meraz

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate

For the Opposite Party/s : Ms. (Dr.) Indihar Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420 and 406/34 of the Indian Penal Code.

Prosecution case is that the accused persons including the petitioner promised the informant to make payment of Rs.500/- per animal after its purchase at wages. For some time payment was made but subsequently the payment was withheld since July, 2014. As a result, the due amount accrued to the tune of rupees eighteen lakhs. Subsequently, rupees four lakhs were given in presence of SHO, Dhaka and thereafter rupees two lakhs were given to the informant by the accused persons but rest of the amount was not paid to him.

It is submitted by learned counsel for the petitioner that

there is no documentary proof with regard to the amount being due nor there is any proof with regard to the promise or any agreement wherein the petitioner was shown as a party for purchase of animals. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the accusation arising out of contractual nature of dispute, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, East Champaran at Motihari in connection with Dhaka P.S. Case No.212/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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