

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21008 of 2016

Arising Out of PS.Case No. -60 Year- 1986 Thana -DHAMDAHA District- PURNIA

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Ramautar Khetan, son of Late Satyanarayan Khetan, Resident of
Jhounsgarhi Bilashi, P.S.- Deoghar, District-Deoghar, Jharkhand

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Sanjeet Kumar, Advocate
For the Opposite Party/s : Mr. R.P.S.Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 18-07-2016 Heard learned Senior Counsel for the petitioner and

the learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Dhamadhaha P.S. Case No.60 of 1986
registered for the offence under Sections 409, 407, 467, 468,
120B and 201 of the Indian Penal Code.

Mr. N.K. Agrawal, learned Senior Counsel appearing
on behalf of the petitioner submits that for the same offence,
three cases were filed against the petitioner with the allegation
that bitumen which was booked for being transported from
Sahebganj to Dhamadaha did not reach there. The allegation is
that that while 500 Metric Tons(MT) of bitumen had been
booked, only 150 Metric Tons reached Dhamadaha, as a result
of which a case was lodged at Dhamadaha, bearing Dhamadaha



P.S. Case No.60 of 1986, under Sections 409, 406, 467, 468, 120B/201 I.P.C. Subsequently, another case was also registered at Patna, bearing Vigilance Case No.15 of 1997, which came to be transferred after the bifurcation of the State of Bihar to Jharkhand, and was registered as Special Case No.24 of 1997, though the allegation in this case is identical and relates to the same occurrence and the same offence. Learned counsel for the petitioner further submits that with regard to the same loss, a Money Suit was also registered at Purnia, bearing Money Suit No.15 of 1997. The said money suit was dismissed by the court and against the same, First Appeal No.405 of 2002 was preferred, which is pending before this Court till date.

Learned counsel for the petitioner further submits that in Special Case, which is now pending at Dhanbad, the petitioner moved the Hon'ble High Court of Jharkhand and vide order dated 1st July, 2014 passed in A.B.A. No.5248 of 2013, an Hon'ble Bench of the Jharkhand High Court has been pleased to extend the privilege of anticipatory bail to this petitioner in Special Case No.24 of 1997. Thus, learned counsel for the petitioner submitted that the petitioner facing the similar allegation, for the same occurrence, may also be extended the said benefit by this Court in Dhamadaha P.S. Case No.60 of 1986.

Considering the entire facts and circumstances of the case and that there cannot be prosecution twice for the single occurrence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with Dhamadhaha P.S. Case No.60 of 1986, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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