

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43371 of 2016

Arising Out of PS.Case No. -28 Year- 2016 Thana -SULTANGANJ District- PATNA

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1. Shiv Prasad @ Shiv Prakash S/o Late Ramchandra Mahto Resident of vill
Marakhudi, Lane P.S.-Mahendru, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 27-10-2016

Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of
Sultanganj P.S. Case No. 28 of 2016, disclosing offences under
Sections 406,420,427/34 of the Indian Penal Code.

The informant used to run a business of selling bicycles in a
rented premise owned by the petitioner. The informant subsequently
left the business and gave it to his nephew on certain conditions.
Allegedly the petitioner in connivance with the nephew of the
informant, who is also an accused, entered into some agreement
resulting into loss of a sum of Rs. Ten lacs to the informant.

Learned counsel appearing on behalf of the petitioner has
submitted that no offence under Sections 406 or 427 read with Section
34 of the Indian Penal Code is made out. He has submitted that in
order to settle score with the petitioner and his nephew, the informant
has filed the present First Information Report.

Learned counsel for the Informant has strongly opposed the prayer for anticipatory bail.

However, considering the nature of dispute between the parties leading to registration of the First Information Report, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within four weeks from today in the Court below be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Sri A.K.Rai, learned Judicial Magistrate, Patna City in Sultanganj P. S. Case No. 28/2016(G.R. No. 377/2016), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Chakradhari Sharan Singh, J)

ArunKumar/-c

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