

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5528 of 2015

Arising Out of PS.Case No. -577 Year- 2011 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Sadhu Yadav Son of Ram Chandra Yadav Resident of vill-Matiyaria Tola
Pratappur,P.S-Semra,Distt-West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Uraon S/o Ram Narayan Uraon, R/o village Dholbajwa
Tola, Sakuani, P.S. Semra, District- West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shamsi
For the Informant : Mr. Suresh Pd. Sharma
For the Opposite Party/s : Ms. Rita Verma(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

9 05-05-2016 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned counsel appearing on
behalf of the State.

The petitioner is apprehending his arrest in
connection with Complaint Case No. 577C/2011 (T.R. No. 422 of
2014) registered for the offence punishable under Section 420 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner was required to deliver 1.50 lac bricks of first quality to
the complainant. For the said transaction the complainant had
already deposited a sum of Rs. 2.50 lac with the petitioner but

despite several reminders the petitioner failed to make delivery nor did he return the amount paid by him.

Learned counsel for the complainant submits that the complainant has given a sizable amount to the petitioner, but after receiving the same, he has misappropriated the said amount and failed to deliver the bricks and he is also not returning the money.

Considering the nature of allegation made and the bonafide offer made by the petitioner that the petitioner is willing to repay at least 50 percent of the amount as alleged, 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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha at West Champaran in connection with Complaint Case No. 577C of 2011 (T.R. No. 422 of 2014) subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that the present order extending pre arrest bail will come into effect only after the petitioner will deposit in Court a sum of Rs. 1.25 lac which has been made over to the complainant under orders of the said Court.

It is also made clear that the rest amount to be paid to the complainant shall be subject to the result of the complaint case.

In view of the fact that the present order is the conditional order, the complainant shall be at liberty to approach this Court in case the said order is not complied with by filing an appropriate application for modification/cancellation.

(Anjana Mishra, J)

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