

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9124 of 2016

Arising Out of PS.Case No. -196 Year- 2014 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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1. Chandeshwar Ram son of Late Ram Gulam Ram, resident of Village Kurhani, P.S. Kurhani District Muzaffarpur, Manager, Uttar Bihar Gramin Bank Village Hasanpur, P.S. Mahnar, District Vaishali.
 2. Sanjeev Kumar son of Late Ram Lagan Ram resident of Village Sondho Gulzarbag, P.S. Goraul District Vaishali, Cashier, Uttar Bihar Gramin Bank Village Hasanpur, P.S. Mahnar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kundan Kumar Singh @ Kundan Kumar son of Late Gokhul Singh, resident of Village Hasanpur South P.S. Mahnar District Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Smt. Anuradha Singh

For the Opposite Party/s : Mr. Nitya Nand Tiwari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-02-2016 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners are apprehending their arrest in a case registered for the offences punishable under Section 406, 120B/34 of the Indian Penal Code.

The prosecution case is that from the account of the informant the petitioners being the Manager and Cashier of Uttar Bihar Gramin Bank, Hasanpur Branch withdrew Rs. 1,80,000/-.

It is submitted by the learned counsel for the petitioners that informant has retracted from the initial version and filed a petition to that effect before learned court below.

Though, the offence under Section 302 of the Indian Penal Code is compoundable, but the learned Sessions Judge failed to give privilege of bail since in spite of notice informant has failed to appear.

Considering the above fact, let the above named petitioners be released on provisional anticipatory bail for four months in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned District & Sessions Judge, Vaishali at Hajipur, in connection with Mahnar P.S. Case No. 196 of 2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

The learned court below issue notice to the informant and if the informant appears and admits about filing of petition retracting from the accusation, then provisional bail of the petitioners will be confirmed, otherwise the petitioners shall surrender before the learned court below and pray for regular bail.

(Dinesh Kumar Singh, J)

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