

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29299 of 2016

Arising Out of PS.Case No. -24 Year- 2016 Thana -RAFIGANJ District- AURANGABAD

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Gautam Singh @ Gautam Kumar Singh Son of Prasad Narayan Singh,
Resident of village- Teldiha, Police Station- Madanpur, District-
Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 29-08-2016 Heard the counsel for the petitioner and Mr. M.

Dayal, APP for the State.

The petitioner was engaged as sub-contractor of the company represented by the informant. He is facing accusations in Rafiganj P.S. Case No. 24 of 2016 registered under Section 406 and 409 of the Indian Penal Code.

It is alleged that certain equipments used in the installation of the transformers were supplied to the petitioner, which was misappropriated. The total cost whereof is Rs. 1,16,662/-.

Contention of the petitioner is that he is still functioning as sub-contractor of the company. Two FIRs of identical nature were lodged in relation to the equipment

(the present one) and the transformer. In the said case (Aurangabad Town P.S. Case No. 46 of 2016), he has been released on anticipatory bail vide order dated 28.07.2016, passed in Cr. Misc. No. 23407 of 2016.

Considering the nature of the allegation and the fact that it may be a case of settlement of the account or the dues as also the fact that petitioner is still discharging the duties of the sub-contractor under the informant, I am persuaded to extend the privilege of anticipatory bail to the petitioner.

Let the petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in Rafiganj P.S. Case No. 24 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be his own/close family member. The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

(Kishore Kumar Mandal, J)

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