

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51688 of 2016

Arising Out of PS.Case No. -45 Year- 2016 Thana -SANJHAULI District- SASARAM (ROHTAS)

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Vijay Kumar @ Vijay Kumar Gupta, S/o Late Bhagwan Prasad Gupta, R/o
Village+P.O.- Sanjhauli, P.S.- Sanjhauli, District- Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Din Bandhu Singh, Advocate
: Mr. Santosh Kumar, Adv.
For the Opposite Party : Mr. Sri Kanhaiya Kishore (APP)
For informant : Mr. Abhay Kr. Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-12-2016 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner prays for anticipatory bail in connection with Sanjhauli PS case no. 45 of 2016 registered for the offences punishable under Sections 406, 420 of the Indian Penal Code.

The prosecution case in nutshell is that the informant had supplied 234.61 quintal of paddy to the mill of the petitioner but the petitioner is not paying the amount of Rs. 3,09,685/-.

It has been submitted on behalf of petitioner that even from the FIR, it appears that petitioner has not received the



aforesaid paddy from the informant rather it was *munsi* who had received the paddy. It is further submitted that the record shows that he has already paid Rs. 1,53,000/- to the informant for that purpose and so far rest of the amount is concerned, it will be paid only after verifying the accounts of the mill. It is further submitted that he is ready to deposit 50% of the rest amount i.e. about 75,000/- to the informant for the present and so far rest amount is concerned, they will sit and talk.

Heard learned A.P.P. as well as learned counsel for informant also. Learned counsel for the informant has submitted that petitioner is not paying the amount and that is why present case is lodged against him.

Learned counsel for the informant has opposed the prayer for bail.

Having heard both sides. In view of the submissions made on behalf of the petitioner that he is ready to deposit 50% of the amount in the court within 08 weeks which will be released in favour of informant of the case, let the abovenamed petitioner, in the event of his arrest or surrender before the Court below within a period of six weeks, be released on provisional bail on furnishing bail bond of Rs. 10,000/-(Rs. Ten thousand) with two sureties of the like amount each to the



satisfaction of Additional Chief Judicial Magistrate, Bikramganj, Rohtas at Sasaram in connection with Sanjhauli P.S. case no. 45 of 2016 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with a further condition that petitioner will cooperate in the investigation as well as trial of the case and once the 50% amount will be paid to the informant, after getting satisfied with that, learned court below shall confirm the bail bond of the petitioner, however, if the full amount was not paid within 06 months, bail bond of the petitioner is liable to be cancelled.

(Vinod Kumar Sinha, J.)

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