

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 16640 of 2016

Arising Out of PS.Case No. -119 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Sumit Kumar Chaubey S/o late Naresh Chaubey Resident of Village-
Muhalla- Bargawn, PS Bagha, Distt- East Champaran. Presently residing at
Chandmari, P.S Nagar Distt East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shiv Pujan Sharma, son of Raja Ram Sharma, resident of Village –
Sairawa, P S – Ghoradano, Dist – East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad

For the Opposite Party/s : Mr. Aslam Ansari(App)

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

5 17-02-2017 The petitioner apprehends arrest in Motihari Town Police
Station Case No 119 of 2016 instituted under Sections 406, 420 of
Indian Penal Code.

Pursuant to earlier orders of this Court, the informant has
been made as Opposite Party No 2 who is present.

Heard the parties.

By the earlier order dated 02.06.2016, provisional bail, in
anticipation of arrest, was granted to the petitioner. Though the
allegation in the first information report is that the petitioner
duped the informant by taking money for securing job for his
brother in Railways which he is refusing to return and/or refund, it



appears from the application that the two that is the petitioner and the informant were friends and subsequent to this alleged occurrence also, they had joined to form a Trust by a registered Trust Deed which is Annexure 2 in which informant is made Deputy Settler and the petitioner is also a Trustee. They had formed an NGO. This fact is not disputed by the informant (Opposite Party No 2). It is submitted that there being some dispute in between the parties, the present criminal case has been filed.

Be that as it may, in the facts and circumstances of the case, the provisional bail, as granted by order dated 02.06.2016 passed in this case, is made absolute and operate till disposal of the criminal case before the trial Court.

(Navaniti Prasad Singh, J)

M.E.H./-

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