

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 60423 of 2017

Arising Out of PS.Case No. -481 Year- 2017 Thana -ARA NAGAR District- BHOJPUR

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Vipin Kumar @ Vipin Chaudhary @ Bipin Kumar @ Bipin Kumar
Chaudhary S/o Late Ganpat Chaudhary, M/s B.K. Enterprises, Dhanpura,
P.S.- Ara Town in the District of Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr Arbind Kumar Pandey, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 21-12-2017

Heard counsel for the petitioner and the State.

Petitioner is accused in Ara Town Police Station
Case No 481 of 2017 registered for the offence punishable under
Sections 406, 409, 420, 467, 468, 471, 120B/34 of Indian Penal
Code.

First information report alleges misappropriation of
some funds and incompleteness of some construction works by the
petitioner (contractor) in conspiracy with the officials. Counsel
for the petitioner submits that the matter regarding the
construction of the said building in respect of which first
information report has been lodged is pending for arbitration
before the Chairman, Works Construction Tribunal pursuant to the



order dated 20.01.2016 passed in *CWJC No 6773 of 2014*. The issue is disputed and will depend upon the resolution of the arbitral disputes and measurements. He further submits that co-accused Rahul Ojha has been allowed anticipatory bail by this Court vide *Cr Misc No 58238 of 2017*. As regards the cases mentioned in paragraph 3 of the application against the petitioner, in many of the cases, he has been acquitted and in some cases, he is on bail. In the instant case, he is in custody since 19.09.2017.

Considering the aforesaid submission, prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Town Police Station Case No 481 of 2017 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will give an undertaking that he will receive the police papers on the give date and be present on



date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(3) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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