

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11747 of 2017

Arising Out of PS.Case No. -902 Year- 2012 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Chandra Shekhar Singh, son of late Rajendara Prasad Singh, resident of village- Mokama Moldiyar Tola, Ward No. 11, P.S.- Mokama, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ashok Kumar Singh, son of late Subhash Prasad Singh, resident of Mokama Moldiyar Tola, P.S.- Mokama, District- Patna, at present Village-& P.S.- Korha, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 28-06-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Complaint Case No.902 of 2012 instituted for the offence under Section(s) 406 & 420 Indian Penal Code.

Notice was issued to the Opposite Party No.2 through both modes. Notice issued under ordinary process has been validly served upon the Opposite Party No.2, but none appears on behalf of the Opposite Party No.2.

Allegation against the petitioner is that he requested the complainant to undertake construction work of the road, which had been allotted to the petitioner after due tender. It was agreed



between the petitioner and complainant that complainant will give 3% commission to the petitioner and complete the contract work from his fund. The petitioner will make payment of amount to the complainant after receiving payment on completion of work. The petitioner did not make payment of money to the complainant although he received total payment of amount of bills as mentioned in the written report.

Counsel for the petitioner has submitted that this is a matter of accounting. The petitioner has already paid the amount to the complainant. It has further been submitted that all the papers are with the complainant.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Complaint Case No.902 of 2012, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial



and shall be present on each and every date fixed by the court and
absence on two consecutive dates without proper and reasonable
reason will automatically cancel bail bond of the petitioner and
(3) if petitioner tampers with the evidence or the witnesses of the
case, in that case, prosecution will be at liberty to move for
cancellation of bail of the petitioner.

(Sanjay Priya, J)

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