

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17710 of 2017

Arising Out of PS.Case No. -123 Year- 2016 Thana -SHEKHPURA District- SEKHPURA

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Jitendra Nath Mehta, son of late Kameshwar Nath Mehta resident of
mohalla - Kharapar, P.S. Sheikhpura, District - Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dilip Ram son of Late Maran Ram resident of village - Maur, P.S. -
Barbiga, District - Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Miss. Vaishali Sinha, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-04-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in
connection with Seikhpura P.S. Case No. 123 of 2016, registered
for offences punishable under Sections 420, 406, 427 and 34 of the
Indian Penal Code.

The allegation against the petitioner, as per the FIR,
is that he engaged the informant for centering work and altogether
a work of Rs. 4,59,228 was done and he was paid Rs. 3,86,000/-
and rest of Rs. 73,288/- was not paid by the accused persons. It is
further alleged that there was additional dues to the tune of Rs.
1,80,000/- as the accused persons took works for six months and
as such, there is allegation that the petitioner has dishonestly



misappropriated a sum of Rs. 2,35,288/-.

It has been submitted on behalf of the petitioner that the present case is in the nature of civil dispute and there is nothing due with the petitioner and on accounting, a sum of Rs. 60,000/- was paid more to the informant.

Heard learned A.P.P. also who opposes the prayer for bail.

Having heard both sides and in view of the facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of two weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-III Sheikhpura in connection with Sheikhpura P.S. Case No. 123 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or



tamper with the evidence.

- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is
allowed.

(Vinod Kumar Sinha, J)

S.Pandey/-

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