

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27225 of 2017

Arising Out of PS.Case No. -72 Year- 2017 Thana -KOILWAR District- BHOJPUR

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1. Shiv Kumar Singh Son of Late Raj Ballakh Singh, Resident of Village-
Koilwar, P.S.- Koilwar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Rai

For the Opposite Party/s : Mr. Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 01-07-2017 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Koilwar Police Station Case No. 72 of 2017,
disclosing offences under Sections 406 and 409 of the
Indian Penal Code.

It is the case of the prosecution that the
petitioner had entered into a contract for settlement of
tractors carrying sand for an amount of Rs. 40,35,000/- for
the financial year 2010-11. He is said to have deposited
only Rs. 32,18,000/- and remaining Rs. 8,17,000/- is due
against him. It is alleged accordingly that the petitioner
misappropriated the balance amount for his own use.

Learned Counsel for the petitioner appears to be



right in his submission that no case of misappropriation is made out. He has also submitted that as a matter of fact, the petitioner has deposited the entire amount of contract and nothing is payable by the petitioner.

Be that as it may, a case for grant of anticipatory bail is made out.

Let the petitioner, Shiv Kumar Singh, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Koilwar Police Station Case No. 72 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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