

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38455 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -MUFFASIL District- AURANGABAD

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Rahul Kumar, Son of Sarwan Singh, Resident of Village- 12, Hathidah
Bujurg, P.S. Hathidah, District- Patna. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Arun Kumar Arun, Advocate.

For the State : None.

For the Informant : Mr. Santosh Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 19-08-2017 Heard learned counsel for the petitioner and learned
counsel for the informant.

No one appears for the State.

The petitioner is seeking regular bail in Aurangabad
Muffasil P.S. Case No. 40 of 2017 registered under Sections 420,
406 and 120(B) of the Indian Penal Code.

A perusal of the First Information Report would show
that the allegation against this petitioner is that being the owner of
truck no. JHIOQ 2046 he had taken a consignment of 700 bags of
cement, each containing 50 Kg., for transporting the same to the
premises of Shri Cement Ltd. at Begusarai but the cement was not
delivered at the destination. It is alleged that the petitioner sold out
those cement bags in market and misappropriated the money.
There are also allegations that another truck bearing no. BR1G
0184, which belonged to one Sri Sarwan Singh, father of the



present petitioner, also failed to deliver 300 bags of cement.

Learned counsel for the petitioner submits that there is no connection of this petitioner with truck no. BR1G 0184 and he has vehemently opposed the allegations in the F.I.R. saying that the said truck belonged to Sri Sarwan Singh, who is father of this petitioner. Learned counsel further denies the allegations in the F.I.R. citing a different story as stated by him in the petition.

On the other hand, learned counsel for the informant has appeared and submitted that this petitioner has misappropriated the money in respect of 700 bags of cement and even if his contention with regard to another truck is accepted for arguments sake, he would be liable to pay a sum of Rs. 2,80,000/- to the informant. The submission of the learned counsel for the informant is that he is not interested in keeping the petitioner behind the bar rather his emphasis is that the petitioner should come out with a *bona fide* plea and at least deposit the misappropriated amount in the court, subject to the result of the present case.

Confronted by the submission of the learned counsel for the informant, learned counsel for the petitioner, on instruction submits that his client is ready to deposit a sum of Rs. 2,80,000/- in three equal monthly installments without prejudice to his defence in the present case and only for purpose of grant of bail as



submitted by the learned counsel for the informant.

In the facts and circumstances stated here-in-above and in view of the submissions at the bar, let the petitioner, namely, Rahul Kumar, deposit a sum of Rs. 95,000/- (Ninety five thousand) by way of first installment within a period of 15 days from today in the court below under appropriate head, thereafter he shall be released on bail on his furnishing bail bonds of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Muffasil P.S. Case No. 40 of 2017, subject to the conditions as laid down under Section 437(3) Cr.P.C. and further conditions that as per his undertaking he would deposit the balance amount of Rs. 1,85,000/- in three monthly installments of Rs. 60,000/-, Rs. 60,000/- and Rs. 65,000/- respectively in the court below every month at an interval of 30 days from the date of his release, failing which his bail bonds shall stand cancelled. This deposit will be without prejudice to his defence and subject to the result of the case.

The applications stands disposed of.

(Rajeev Ranjan Prasad, J)

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