

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56960 of 2018

Arising Out of PS.Case No. -21 Year- 2018 Thana -BELA INDUSTRIAL District- -

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Shiv Nath Chaudhary, S/o Late Ramdeo Chaudhary, R/o Mohalla- Gola
road, P.S.- Town, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. S. Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection with
Bela P.S. Case No. 21 of 2018 registered under Sections 406,
420, 467, 468 and 471 read with 34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that a
malicious prosecution has been launched against the petitioner by
the informant just in order to put pressure upon him so that he
may transfer his factory to the informant. He contended that for
the transfer of the right of ownership of the factory in question,
an agreement was entered into between the petitioner and the
informant, according to which, the informant was required to pay
Rs.55 lakhs, but till date only Rs. 25 lakhs have been paid to the



petitioner and, without paying the rest amount, the FIR has been instituted so that he may succumb to the pressure and transfer his rights in favour of the informant.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. He submitted that the informant is prepared to pay Rs.30 lakhs to the petitioner, but the petitioner has backed out from the promise made earlier for sale of the factory.

Be that as it may, regard being had to the nature of allegation, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge-XII-cum-A.C.J.M. Muzaffarpur in connection with Bela P.S. Case No. 21 of 2018 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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