

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9915 of 2018

Arising Out of PS.Case No. -262 Year- 2017 Thana -BYPASS District- PATNA

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1. Amar Singh, Son of Late Bengali Singh,
 2. Rohit Singh, Son of Amar Singh, Both are residents of Amar Transport Agency, Karmalichak, Police Station- Bye Pass, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anil Kumar, Son of Sri Maheshwar Chaudhary, R/o Village – Rampur Laxmipur, P.S. Mahua, District – Vaishali, at present residing at Badi Pahari, P.S. Agamkuan, District – Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Shekhar

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 16-04-2018

Heard learned counsel for the petitioners,

learned APP for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 407 and 420/34 of the Indian Penal Code.

The prosecution case as per the written report of Anil Kumar dated 11.11.2017 submitted to the Station House Officer, Bypass P.S. Patna, to the effect that the informant deals in the business of onion. On 03.11.2017 the informant through the transport agency of the petitioners got loaded the onions at Bairiya Sampatchak and at Ranipur Paijawa, thereafter the driver



Birchand Rai took Rs.35,000/- in advance for taking the truck to Agartalla, but onion worth Rs.8,85,955/- was misappropriated.

It is submitted by learned counsel for the petitioners that the petitioners are the owners of the transport agency and misappropriation, if any, has been made by the driver of the truck. The informant has entered into a compromise with the petitioners and filed a petition to that effect before the learned Court below. The same has been brought on record as Annexure-3.

The informant was noticed by this Court vide order dated 20.02.2018.

Mr. Anuj Kumar, learned counsel appears on behalf of the informant and admits that he does not have any grievance against the petitioners, moreover, compromise petition has been filed before the learned Court below. Hence, he is not opposing the prayer for anticipatory bail of the petitioners.

Considering the retracted version of the informant and the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of



Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-IV, Patna City in connection with Bypass P.S. Case No. 262 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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