

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23461 of 2018

Arising Out of PS.Case No. -642 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Shailesh Kumar, son of late Kamala Prasad, resident of village Mohalla
Chandmari Road, Azad Path, P.S. Kankarbag, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Sinha, son of late Brijnandan Prasad Sinha, resident of
Mohalla Deewan Mohalla, Hamam, P.S. Khajekalan, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1, Advocate.

For the Opposite Party/s : Mr. Asharaf Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 20-04-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. 642 of 2016** instituted for the offence under Sections 406 and 504 of the Indian Penal Code.

In the complaint petition it is alleged that agreement was entered into between the complainant and the petitioner for demolishing double storied house of the complainant. The petitioner had agreed to pay Rs.81,000/- towards cost of window, brick, rod, door panel etc. but he paid only Rs.11,000/- out of Rs.81,000/-. It is further alleged that garbage was not lifted by the petitioner and on assurance of the petitioner, Rs.40,000/- was spent by the complainant for lifting of garbage as labour cost. The petitioner did not make payment of Rs.1,10,000/- to the complainant and, thereafter, the instant case has been filed.



From the nature of allegation it appears that the matter is purely civil dispute and civil remedy is available to the Opposite Party No. 2.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Complaint Case No. 642 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate, Patna City**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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