

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43679 of 2018

Arising Out of PS.Case No. -86 Year- 2016 Thana -LADANIA District- MADHUBANI

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1. Ajay Kumar Sah, S/o Sri Ramprit Sah, R/o Vill.- Gidhwas, P.S.- Ladaniya, Disrict- Madhubani.
 2. Ramdeo Yadav, S/o Late Agnan Yadav, R/o Vill.- Mirzapur, P.S.- Ladaniya, Distt.- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.
For the BSFC : Mr. Harish Kumar, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-08-2018 Heard learned counsel for the petitioner and the State.

The petitioners apprehend their arrest in **Ladaniya**

P.S. Case No. 86 of 2016 instituted for the offence under Sections 420 and 406 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that petitioners are ready to submit Bank Guarantee with regard to 876.28 quintals of CMR which is alleged to be due against the petitioners.

Learned counsel for the BSFC has appeared and submitted that he has no objection if petitioner No.1 submits Bank Guarantee equivalent to price of 545.30 quintals of CMR and petitioner No. 2 submits Bank Guarantee equivalent to price of



330.98 quintals of CMR as alleged in the First Information Report to be due against the petitioners.

In such circumstances, this application is disposed off with direction to the petitioners to surrender before the Additional Chief Judicial Magistrate-IV, Madhubani, within a period of eight weeks from the date of receipt of this order in connection with Ladaniya P.S. Case No. 86 of 2016 and submits Bank Guarantee equivalent to price of 545.30 quintals of CMR which is alleged to be due against petitioner No. 1 and equivalent to price of 330.98 quintals of CMR alleged to be due against petitioner No.2. After furnishing Bank guarantee, the learned Additional Chief Judicial Magistrate-IV, Madhubani, will release the petitioners on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each 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) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper 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 petitioners.

It is made clear that in the event the petitioners do not furnish Bank Guarantee to the satisfaction of court as ordered above, the court below will be at liberty to pass appropriate order in accordance with law.

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(Sanjay Priya, J)

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