

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20387 of 2018

Arising Out of PS.Case No. -549 Year- 2017 Thana -LAHERIASARAI District- DARBHANGA

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Shyam Yadav @ Shyam, S/o Sudamber Yadav @ Sudaubar Yadav, At present R/o Village- Phulparas, P.S.- Phulparas, Distt.- Madhubani. Permanent R/o Navtol, Ward No. 4, Siswa Barhi, P.S.- Phulparas, Distt.- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate.
Mr. Himanshu Ranjan, Advocate.
For the informant : Mr. Fahad Khurshid, Advocate.
For the State : Mr. Rajkishore Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-06-2018 Supplementary affidavit has been filed on behalf of the petitioner. Let it be kept on the record.

Heard learned counsel for the petitioner, learned counsel for the informant and the State.

The petitioner apprehends his arrest in **Laheriasarai P.S. Case No. 549 of 2017** instituted for the offence under Sections 406, 408, 420 and 506 of the Indian Penal Code.

In the written report it is alleged that petitioner was Compounder and he was maintaining income and expenditure of the clinic of the informant. It is further alleged that petitioner has defalcated money of Nursing Home of the informant. The



petitioner had assured the informant to clear all the dues but, ultimately, he refused to make payment.

Learned counsel for the petitioner has filed supplementary affidavit stating therein that separate register for room rent was maintained by the informant. The informant put her signature on the aforesaid register after getting amount on day-to-day basis. Xerox copy of the register of room rent has been enclosed as Annexure-5. It is also stated in the supplementary affidavit that informant has received money from her staffs and put her signature in the register on day-to-day basis, photocopy of which, has been enclosed as Annexure-6. The separate register was also maintained by informant in which she put her signature after getting the amount. Xerox copy of said register has been enclosed as Annexure-7.

Learned counsel for the petitioner has further submitted that the instant case has been filed because the petitioner has left the clinic of the informant on account of which her Nursing Home became affected.

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 **Laheriasarai P.S. Case No.**



549 of 2017, 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 **Chief Judicial Magistrate, Darbhanga**, 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.

S.Ali/-
Rohit Kr.

(Sanjay Priya, J)

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