

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75380 of 2018

Arising Out of PS. Case No.-167 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. Rakesh Kumar Jha, Son of Durga Nand Jha, Resident of Village-Bhawanipur, P.S.-Pondaul, District-Madhubani.
 2. Suman Chaudhary @ Suman Kumar Chaudhary, Son of Mod Narayan Chaudhary, Resident of Village-Dhaura, P.S.-Manigachi, Distirct-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Rama Nand Mishra, Son of Narayan Mishra, Resident of Vill+ P.O.-Kanthudih, P.S.-Bahera, District-Darbhangha.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lalit Narayan Jha, Advocate
For the Opposite Party/s : Mr.Sri Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners are apprehending their arrest for the offences punishable under Sections 420, 406, 120 (B) and 467 of the Indian Penal Code.

It is pointed out by the counsel for the petitioners that a complaint has been lodged by the Marketing Manager of the Samiti alleging misappropriation of funds by the Samiti itself without even impleading the Samiti as an accused. The petitioners are merely employees of the company (Samiti) in question and cannot be held liable for the allegations made in the complaint petition. The petitioners have no criminal antecedent prior to the instant case.



In the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. Let the above named petitioners, in the facts and circumstances of the case, in the event of their arrest or surrender within four weeks from today, be released on bail on their furnishing bonds of Rs 10,000.- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Benipur, Darbhanga in C.R. No. 167 of 2017 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(i) That one of the bailors will be a close relative of the Petitioners who will give an affidavit giving genealogy as to how he is related with the Petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioners.

(ii) That the Petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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