

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11176 of 2018

Arising Out of PS.Case No. -473 Year- 2016 Thana -DARBHANGA SADAR District-
DARBHANGA

- =====
1. Sujay Barua @ Sanjay Barua, Son of Sukamal Barua, Resident of Mohalla- Paresh Nagar, Dabgram, Police Station- Bhakti Nagar, District- Jalpaiguri, West Bengal- 734002.
 2. Ajay Barua, Son of Sukamal Barua, Resident of Mohalla-Paresh Nagar, Samir Roy Sarani, Police Station- Bhakti Nagar, District- Jalpaiguri, West Bengal- 734001, at present Qr. No. 24, Airport Colony, Shillong Airport, Umroi, Police Station- Umian, District- RI- Bhoi (Meghalaya) 793103

.... Petitioner/s

Versus

. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gouranga Chatterjee, Advocate.
For the Opposite Party/s : Mr. Amit Kumar Rakesh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-03-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Darbhanga**
Sadar P.S. Case No. 473 of 2016 instituted for the offence under
Sections 420, 406, 409, 120B and 34 of the Indian Penal Code.

The petitioners are said to be Proprietor and Manager
of the aforesaid company.

It is alleged that machine did not work properly. The
informant alleged that duplicate parts have been installed in the
machine.



Learned counsel for the petitioners has submitted that in the First Information Report it is alleged that the informant had purchased machinery from Hindustan Machinery, Silliguri, after taking loan from the Bank for production of *Soya Bari*. It has further been submitted that machine has been delivered in the year 2015 and the instant case has been filed in the year 2016. There is civil remedy available to the informant if the machine is not running properly.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Darbhanga Sadar P.S. Case No. 473 of 2016**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each 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) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be



liable to cancel their bail bond 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.

S.Ali/-

(Sanjay Priya, J)

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