

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65300 of 2018

Arising Out of PS. Case No.-389 Year-2018 Thana- DANAPUR District- Patna

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Satyendra Kumar, Son of Brahmdeo Singh, resident of Village- Nasirganj,
P.S.- Danapur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Section 379/34 of the Indian
Penal Code.

The prosecution case got initiated on the basis of written
report dated 17.06.2018 submitted by Md. Enaiyat Karim to the
Station House Officer, Danapur Police Station to the effect that
on 23.11.2017, the informant entered into an agreement with the
petitioner, Satendra Kumar, for demolition of a Cold Storage
and as per the agreement, the demolished materials like iron rod,
bricks, A.C. etc. were to be sold by the informant and in lieu



thereof, the informant paid Rs. 41,01,000/- to the petitioner. On 14.06.2018 at 12.00 A.M., the petitioner along with other came at the cold storage and took away all the rubble and other materials came out after demolition of the cold storage structure two tractors and thereby committed theft of the afore-mentioned materials of the informant.

It is submitted by learned counsel for the petitioner that it is a simple case of breach of agreement, but the same is sought to be resolved by filing the present criminal case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the informant that it is a clear case of theft by the petitioner.

Considering the accusation arising out of the contractual obligation between the parties, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Danapur, in



connection with Danapur P.S. Case No.389/2018, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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