

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7049 of 2018

Arising Out of PS.Case No. -44 Year- 2014 Thana -JALALPUR District- SARAN

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1. Abhay Kumar Mishra @ Abhay Mishra, Son of Baleshwar Mishra,
Resident of Village-Mala, PS Chapra Muffasil, District Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gouraga chatherzy Mr. Bhagwati Prasad
For the Informant	:	Mr. Ranjeet Kumar Mr. Kundan Kumar Mr. Yogesh Kumar
For the State	:	Mr. Akbar Ali

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 21-02-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 09.12.2017
in connection with Jalalpur P.S. Case No. 44/14 registered for the
offences punishable under Sections 403/406/420 of the Indian
Penal Code.

Learned counsel for the petitioner submits that earlier
the petitioner has been extended the privilege of anticipatory bail
on the condition that he would deposit Rs. 5, 61, 000/- However,
the same could be not paid together in time and, therefore, he



applied for a modification of the said order as upon feed back from the market, it came to the knowledge of the petitioner that the said amount has already been paid prior to the passing of the order.

Learned counsel for the petitioner thus, submits that modification application was dismissed with liberty to the petitioner to file a fresh application of bail as much time had lapsed in the interregnum and, thereafter, the present application for regular bail has been filed.

It is submitted in paragraph No. 23 of the bail application that when the petitioner approached the concerned stockiest for payment of residual amount in lieu of 'chicken feed' which had been given to them on credit, the petitioner was informed that the payment of the said stock has already been deposited in the Company's I.C.I.C.I. Bank account on 14.02.2014 and 17.02.2014 to the tune of Rs. 4,80,000/- and 1,54,873/-, respectively and as such there was no due on their part.

It was under such circumstances that the petitioner had moved for modification. However, the same is rejected and the petitioner is now in custody with a prayer for regular bail.

Having considered all the facts and circumstances and upon consideration of materials which have come before this



Court with regard to the dispute made on the deposit dated 14.02.2014 and 17.02.2014 by the stockist who had been given the stocks (chicken feed) issued by the petitioner and the said being deposited by the informant but being a matter of calculation between the parties, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate IX, Saran at Chapra, in connection with Jalalpur P.S. Case No. 44/14.

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State



shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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