

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29807 of 2018

Arising Out of PS. Case No.-208 Year-2017 Thana- MUFFASIL District- Aurangabad

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Rupesh Kumar, Son of Muneshwar Sharma, Resident of Village- Patuna, P.S.-
Khiri More, Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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with

Criminal Miscellaneous No. 34992 of 2018

Arising Out of PS. Case No.-208 Year-2017 Thana- MUFFASIL District- Aurangabad

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Muneshwar Sharma, Son of Mahendra Sharma, Resident of Village- Patuna,
P.S.- Khiri More, Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

(In Criminal Miscellaneous No. 29807 of 2018)

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Murlidhar

(In Criminal Miscellaneous No. 34992 of 2018)

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 10-12-2018 Heard learned counsel for the petitioners and learned

counsel appearing for the State.



These two applications for grant of anticipatory bail in connection with Muffasil (Aurangabad) PS Case No. 208 of 2017 for the offences committed under Sections 406, 420 and 120B of the Indian Penal Code relates to seizure of total 940 bags of cement.

Mr. Ansul, learned counsel appearing for the petitioners would submit that liability with regard to the aforesaid 940 bags of cement is primarily a money claim for which the instant case was registered as a pressure tactics. He further submits that petitioners have to pay the detention charge and as such the detention charge is liable to be deducted from the amount, i.e. the price of 940 bags of cement. He submits that in the instant case there is issue of accounting and as such the fastening of financial liability would cause prejudice to the petitioners.

Having regard to the peculiar facts of the case, the Court is inclined to grant anticipatory bail to the petitioners on the condition that the petitioner of Cr. Misc. No. 29807 of 2018, namely Rupesh Kumar and petitioner of Cr. Misc. No. 34992 of 2018, namely Muneshwar Sharma are prepared to deposit that amount in instalments.

Considering the aforesaid, the Court in the peculiar



facts of the case directs petitioner of Cr. Misc. No. 29807 of 2018 and petitioner of Cr. Misc. No. 34992 of 2018 to deposit the cost of 940 bags of cement which was prevailing at the time the bags were lifted in six monthly instalments. The deposit of the aforesaid amount will abide by the final outcome of the pending Muffasil (Aurangabad) PS Case No. 208 of 2017. The court below is directed to deposit the amount in Fixed Deposit account.

In view of the above, petitioner of Cr. Misc. No. 29807 of 2018, namely Rupesh Kumar, and petitioner of Cr. Misc. No. 34992 of 2018, namely Muneshwar Sharma, in the event of arrest or surrender before the court below within one month from today and on depositing the first instalment within the same time frame, are directed to be released on provisional bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Muffasil (Aurangabad) PS Case No. 208 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that on payment of the entire instalments the court below will make the provisional bail



absolute.

(Anil Kumar Upadhyay, J)

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