

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26063 of 2018

Arising Out of PS.Case No. -313 Year- 2016 Thana -ARA MUFFSIL District- BHOJPUR

- =====
1. Mewa Lal Chauhan @ Sri Kant Chauhan @ Sikant Chauhan, Son of Babu Lal Chauhan
 2. Ram Bali Chauhan, Son of Sri Kant Chauhan
- Both residents of Village - Rewar, Post Office + Police Station - Pakribarawan, District - Nawadah.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate.

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 09-05-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Arrah Mufassil P.S. Case No. 313 of 2016** instituted for the offence under Sections 409, 406, 420 and 379/34 of the Indian Penal Code.

It is alleged in the written report that petitioner No. 1 was working in the brick kiln of the informant as labourer head. The informant after having pleased with the work of petitioner No. 1 has engaged petitioner No. 2 (son of petitioner No. 1) as Driver of his Tata Sumo vehicle. The informant gave Rs.1,50,000/- as advance in cash for labour payment to petitioner No. 1 and sent



him along with petitioner no. 2 with his Tata Sumo vehicle to make payment to labour, but they did not return. The informant went to the house of petitioner No. 2 and found the car was lying at the door of his house.

Learned counsel for the petitioners has submitted that there was some dispute with regard to the payment of wages. The petitioner No. 1 demanded his wages from the informant upon which, the informant has given his Tata Sumo car to petitioner No. 1 on assurance that he will prepare the paper later on. In the meantime, the matter was settled before the Mukhiya and the petitioner No. 1 has returned vehicle to the informant after making payment of Rs.55,000/- as final adjustment of the amount. In support of return of vehicle to the informant by petitioner No. 1, Annexure-3 has been enclosed.

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 **Arrah Mufassil P.S. Case No. 313 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, Arrah**, 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.

(Sanjay Priya, J)

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