

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19434 of 2018

Arising Out of PS.Case No. -81 Year- 2012 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

- =====
1. Rajendra Mukhiya, S/o Buchai Mukhiya, R/o Village- Hatti, P.S.- Biraul, District- Darbhanga.
 2. Vijay Choudhary W/o Lallan Choudhary, R/o Village- Ucchati, P.S.- Biraul and District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Khelawan Mukhiya, S/o Late Tunai Mukhiya, R/o Village- Hati, P.S.- Biraul, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s Mr. Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 05.04.2018 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Complaint case bearing C.R case no. 81/2012 in which cognizance has been taken for the offences punishable under sections 406, 409 and 420 of the Indian Penal Code.

The accusation against the petitioners is that they embezzled huge amount without completion of work allotted to them under the government scheme. Admittedly, at the relevant time, petitioner no.1 was agent whereas petitioner no.2 was Mukhiya.

Learned counsel for the petitioners submits that the



learned court below had called for a report from the concerned Dy.S.P. which has been annexed with the bail petition as annexure 3 and the aforesaid report goes to show that petitioners started working but it were the complainant and his supports who got stopped the work of the construction and assaulted the petitioners for which petitioner no.1 lodged Biraul P.S. Case no. 103/2009 against the complainant and others and, as a matter of fact, present case has been brought in relation to the aforesaid Biraul P.S. Case no. 103/2009.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioners be released on bail on furnishing bail bonds of Rs 10,000/-each with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Biraul, Darbhanga in Complaint case bearing C.R case no. 81/2012 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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