

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17099 of 2019

Arising Out of PS. Case No.-315 Year-2016 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura *

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Sanjay Chaudhary @ Ghungharu S/o Sukhdev Chaudhary Resident of
Village-Gehuni, P.S.-Atari, District-Gaya

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Virendra Malakar @ Virendra Kishore Bharti Son of Mahendra Maali
Resident of Commissionary Bazar, Pool Par, P.S.- Sheikhpura, Distt.-
Sheikhpura

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar
For the Opposite Party/s : Mr.Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 419, 420, 406/34 of the Indian Penal
Code.

The prosecution case, in brief, is that the accused persons
misappropriated the amount of the complainant, meant for
plantation.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner has been made accused in the present case due to



mistake of fact. Earlier a case was instituted u/S 156(3) Cr.P.C. and after investigation, the police had submitted final form. The present prosecution has been launched on the basis of protest-cum-complaint whereas the case has been found true under Sections-418 & 406 only of the Indian Penal Code. The matter relates to civil dispute. Earlier occasion, the police after investigation, has found the case to be false.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Sheikhpura in connection with Complaint Case No. 315© of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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