

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55772 of 2019

Arising Out of PS. Case No.-257 Year-2019 Thana- KISHANGANJ District- Kishanganj

ER. PRASHANT KUMAR @ PRASHANT KUMAR, aged about 23 years,
Son of Surendra Prasad Singh, resident of village- Near Vibha Swashthya
Siksha, P.S.- Kishanganj, District-Kishanganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Kishanganj P.S. Case NO. 257 of 2019, disclosing offences under Sections 409,120B/34 of the Indian Penal Code.

As per the case of the prosecution, the petitioner was employed as Site Engineer for construction of 10000MT godown at Kishanganj. Allegedly, he misappropriated huge quantity of construction materials, which was entrusted to him by the B. S. Promoters.

Learned counsel appearing on behalf of the petitioner has submitted that there was dispute between the petitioner and the employer over payment of salary because of which the false case has been lodged. He has further submitted that no offence under Section 409 of the Indian Penal Code can be said to be made out against the



petitioner. He has further submitted that the petitioner shall present himself before the police or the Court for the purpose of investigation, enquiry or trial as and when required.

Considering the above submission, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in Kishanganj P.S. Case No. 257 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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