IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78809 of 2019

Arising Out of PS. Case No.-74 Year-2018 Thana- DHURAIYA District- Banka

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Sunil Kumar S/o Late Ram Avtar Prasad Verma Resident of Mohalla- Sona Apartment Flat No. 301, Near Mangal Market, Sheikhpura, P.S.- Shashtri Nagar, District- Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in a case registered for the offence under sections 409 and 420 of the Indian Penal Code.

As per the allegation in the FIR, the eight named accused persons including the petitioner are said to have made bogus payment to the contractor in the year, 2008-09 in the matter of construction of Hirambi Beer Bandh on Rakouli river.

It is submitted by learned counsel for the petitioner that so far as the matter of bogus payment is concerned, the allegation against this petitioner is general and omnibus in nature, this

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petitioner by himself could not have made the alleged payment and the amount to the extent of excess payment has already been deducted from the contractor's bill. It is further submitted that the petitioner has retired on 30.06.2017, he has no criminal antecedent and a number of similarly situated persons have been enlarged on bail, the orders of which has been brought on record as Annexure 2 series to this application.

Having heard learned counsel for the parties and taking into consideration the facts and circumstance of the case specially grant of bail to the other similarly situated co-accused, the Court is inclined to enlarge the petitioner on bail. The petitioner above named, in the event of his arrest or surrender in the court below within a period of six weeks from today in connection with Dhoraiya P.S. Case No. 74 of 2018 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IV, Banka subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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