

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27478 of 2020**

Arising Out of PS. Case No.-24 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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AJAY KUMAR DUBEY Son of Dwarika Dubey Resident of Village -
Shahpur, P.S. - Barachatti (Mohanpur), District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr Nityanand Tiwary, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-12-2020 As of now, the Courts have not resumed normal
physical hearing. The matter has been listed today for
consideration through Video Conferencing.

Learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings with the
aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in connection with
Aurangabad (Town) Police Station (for brevity, *PS*) Case No 24
of 2020 instituted for the offence punishable under Sections
379/411 of Indian Penal Code.



First Information Report alleges that some stock of one Isolex Company, since liquidated, was taken away by the petitioner and the same has been seized from the truck.

It is submitted by the petitioner's counsel that the petitioner has no criminal antecedent. Under the Bill (Annexure 2 series), he has purchased the bricks in question. The proprietors of Isolex Company have not come forward to lodge any case and that the petitioner has falsely been implicated on extraneous considerations.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in Aurangabad (Town) PS Case No 24 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

- (i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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