

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82452 of 2019

Arising Out of PS. Case No.-127 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

AVINASH KUMAR BHARTI Son of Shankar Ram Resident of Village -
Phakli, P.S.- Kargahar, District- Rohtas at Sasaram at present Address -
Vilins Istoram Church, Rudrawar Kala, P.S.- Sonhan, District- Kaimur at
Bhabua Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 01-07-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bhabua P.S. Case No. 127 of 2019 for the offence punishable under Sections 406, 417, 418, 420, 465, 467 and 468 of the Indian Penal Code.

Complaint case is the basis for registration of First Information Report under Section 156(3) of the Code of Criminal Procedure. The complainant claimed in the complaint petition that he was working in Holy Christian Mission Centre at Bhagwanpur in the district of Kaimur, where the petitioner also worked. Allegedly, the petitioner had received money from various persons in the name of construction of toilets, he, however, misappropriated the said amount.

Learned counsel appearing on behalf of the



petitioner has submitted that there is no allegation in the complaint petition of any entrustment of money by the complainant to the petitioner, therefore, no offence under Section 406 of the Indian Penal Code can be said to be made out against the petitioner.

Considering the nature of accusation, 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 C.J.M., Kaimur at Bhabhua in Bhabhua P.S. Case No. 127 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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