

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40353 of 2023

Arising Out of PS. Case No.-13 Year-2022 Thana- GHOGHARDIHA District- Madhubani

HARIOM RAY @ HARIOM KUMAR RAY Son of Mahendra Ray Resident
of Village - Khajedih, P.S.- Ladaniya, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajkumar Rajesh, Advocate

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehend his arrest in connection
with Ghoghardiha P.S. Case No. 13 of 2022 for the offence
punishable under Sections 420, 409, 120B of the I.P.C lodged on
03.02.2022 by the informant Uttam Lal Yadav.

As per the prosecution story, under Nal-Jay Nischay
Yojna amongst other, it is alleged that the petitioner was
provided Rs. 7,50,000/- and he did work for only Rs. 4,74,000/-
and failed to return Rs. 2,76,000. Accordingly the FIR.

It is the case of the learned counsel for the petitioner
that he has a shop for providing materials in the name of Maa
Durga Enterprises and already supplied items worth Rs.4,58,
489/- and Rs.3,04,643/- vide bill dated 25.12.2018 and



25.01.2019 but in a routine manner has been dragged in the present case, the Annexure 2 series to the bail application is testimony to that.

Learned APP opposes the prayer stating that according to the FIR, it is owes Rs. 2,76,000.

Considering the fact that there is claim and counter claim. While in the FIR allegation is of not providing materials of worth Rs. 2,76,000/- according to the petitioner, he has bill to show that more than Rs. 7,50,000 has been cleared and as the FIR lodged ultimately will have to face the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioners, in the event of their arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Jhanjharpur/concerned Court in connection with Jhanjharpur P.S. Case No. 13 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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