

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64625 of 2023

Arising Out of PS. Case No.-447 Year-2022 Thana- ARWAL District- Jehanabad

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RAUSHAN KUMAR S/O BHAGWAN CHAUDHARY R/O VILLAGE-
HASANPURA KUTTI, P.S- ARWAL, DISTT.- ARWAL.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Narayan Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 27-02-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Arwal P.S. Case No. 447 of 2022 for the offence under sections 406 and 420 of the I.P.C. lodged on 09.09.2022 by the informant, Deepak Kumar Deep.

3. As per the prosecution story, the informant has alleged that the Branch Manager of Arwal Branch of Shalimaar Hatchery Company Ltd. alleged that the company provides medicine, chicken chicks, poultry feed etc. and as per the agreement, when it is raised/get ready, those chickens are sold by the company and the poultry farm owner gets commission on entire sell amount received. The same was agreed by the petitioner herein but the allegation is that when the chicken got ready for sell, the petitioner sold the same for Rs. 4,79,000/- and



did not return the money to the company which resulted into the present FIR.

4. Learned counsel for the petitioner, at the outset, submits that he wanted to return the sale proceed but under confusion, the FIR has been lodged. He is still ready to return the entire amount as per the agreement in which the company is also liable to pay the commission cost to him.

5. Learned APP opposes the prayer stating that as per the agreement, he was to pay the entire amount to the company and was to get the commission but he disappeared.

6. Though there is force in the submission of the learned APP, FIR has already been lodged, as the petitioner is ready to return Rs. 4,79,000/- and is also entitled to the commission, the petitioner is released on provisional bail for a period of two weeks from the date he surrenders and seek bail on following conditions:

(i) the petitioner shall pay Rs. 4,79,000/- by demand draft issued by the local State Bank of India to the company;

(ii) the company shall return the commission amount which the petitioner is entitled through a separate demand draft.

7. The copy of the demand draft of Rs. 4,79,000/- has to be submitted before the concerned Court when the petitioner



surrenders for seeking bail within four weeks from today.

8. Once the copy of the demand draft is submitted and a receipt signed by the company is also provided to the concerned Court, the provisional bail granted to the petitioner shall be confirmed.

10. The petitioner be released on provisional bail for the period of two weeks in the event of arrest or surrender within a period of four weeks from the passing of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal, in connection with Arwal P.S. Case No. 447 of 2022 subject to the conditions 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/her 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 appear before the concerned police station every fortnight for next six months to mark his



attendance;

(iv) 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;

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

11. The anticipatory bail application stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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