

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29907 of 2014

Arising Out of PS.Case No. -82 Year- 2013 Thana -MAINATAND District-
WESTCHAMPARAN(BETTIAH)

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Bhola Nayak @ Bhola Nayak Sudhi @ Bhola Nayak Sughi, Son of Late
Sheodhari Nayak, resident of village-Sukhlahi, P.s. Mainatand, District
West Champaran Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Adv.
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 16-01-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Mainatand P.S. Case No. 82 of 2013 registered for the
offences punishable under Sections 406 and 420 of the Indian
Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, the father of the informant gave Rs. 30,000/-
to the petitioner with an undertaking to supply paddy and also to
give monthly interest and after the death of the father of the
informant when the informant demanded the money, the same was
not paid and the petitioner refused to pay the same.

Submission is of false implication and that there is no
signature on any paper in proof of the alleged payment. The
signature of the petitioner may be verified and moreover, the

dispute appears purely of civil nature, no remedy lies in criminal court and as such, the petitioner deserves sympathetic consideration, to which the learned counsel for the informant opposes by submitting that the petitioner has misappropriated the amount of Rs. 30,000/- and is not ready to pay the same.

In the facts and circumstances as stated above, noticing that the remedy lies in civil suit and not in the criminal case, and as such, the petitioner, in case of his arrest or surrender within two months from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Mainatand P.S. Case No. 82 of 2013, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Jitendra Mohan Sharma, J.)

Vats/-

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