

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34820 of 2015**

Arising Out of PS.Case No. -565 Year- 2014 Thana -BETTIAH TOWN District-  
WESTCHAMPARAN(BETTIAH)

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1. Kapil Deo Prasad, Age 28 years S/o Shri Ramchandra Bhagat Collection  
& Verification Executive at Magma Fincorp Ltd. Chhatauni Chowk, P.S.  
Muffasil, District Motihari.

.... .... Petitioner/s

Versus

1. The State of Bihar.

2. Afsana Parween, Age 25 years W/o Md. Meraj R/o Sakeed Haal,  
Mokamam Ujjain Tola Nagar, P.S. Bettiah, District West Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dayanand Singh, Advocate  
For the Opposite Party/s : Mr. Amrendra Pd.(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      01-09-2015      Heard learned counsel for the petitioner and the  
State.

The petitioner is apprehending his arrest in a  
case registered for the offences punishable under Sections  
323, 341, 364A, 394 of the Indian Penal Code.

It is alleged that husband of the informant went  
to Motihari for depositing a sum of Rs. 7,30,766/- in  
Magma Finance Company, where he was employed. But  
on the way the criminals stabbed and kidnapped him. It is

alleged that criminals had been set up by the petitioner.

It is submitted by the learned counsel for the petitioner that the petitioner being the Collection Executive in the Magma Finance Company lodged Chhatuani P.S. Case No. 161 of 2014 against the husband of the informant namely Md. Meraj on 02.07.2014 with accusation under Sections 406 and 420 for defalcation of Rs. 7,30,766/- after being collected from various customers were not deposited in the Magma Finance Company, whereas the present First Information Report was registered on 30.09.2014. In the case lodged by the petitioner side prayer for bail of the husband of the informant has been rejected vide Cr. Misc. No. 2166 of 2015. It is further submitted that the other case was lodged by the husband of the informant being Rail P.S. Sagauli No. 10 of 2012 wherein it was alleged that Rs. 2,04,173/-, the amount being collected from the various customers was stolen. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Considering the fact that First Information Report has been lodged as retaliatory measure to the First Information Report lodged by the petitioner's side for misappropriating money of the Finance Company, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand)

with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 565 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

**(Dinesh Kumar Singh, J)**

P.K./-

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