

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33073 of 2015

Arising Out of PS.Case No. -2641 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

=====

Ganga Sagar Yadav Son of Sri Nath Yadav Resident of Village-
Topratola,P.S. Pirpainti ,district Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar
2. Akshay kumar Son of sri Lalan Prasad Yadav Resident of Village-
majrohi, P.s Pippainti, district Bhagalpur.
3. Rama Shankar Yadav Son of late Ram Kripal Yadav Resident of Village-
topratola,P.S. Pirpainti ,district Bhagalpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.
For the Opposite Party/s : Mr. Tapeswar Sharma(App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 15-10-2015 Heard both sides.

The petitioner apprehends his arrest in Complaint Case
No. 2641/2014, registered for the offences punishable under
Sections 406, 420 of the Indian Penal Code.

The complainant alleged that he lent Rs. 12 lacs to the
petitioner on 07.03.2012 and 27.07.2012 through cheques, but
even after lapse of four years the petitioner did not refund his
money. Later on the petitioner assured to get the money adjusted
at the time of execution of sale-deed by his brother and sister-in-
law.

It is submitted that no offence under Section 406 and

420 of the Indian Penal Code is made out. Admittedly, the petitioner borrowed money from the complainant and the same was to be adjusted. The complainant on the same day filed Title Suit no. 761/2014 for specific performance of contract.

Learned counsel for the complainant, however, opposed the prayer for bail and submitted that the petitioner after taking money did not return the same.

Having considered the facts that the complainant filed a complaint as well as suit for specific performance of contract for execution of sale-deed or

for recovery of the said amount, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Rajeev Ranjan Raman, Judicial Magistrate 1st Class, Bhagalpur in connection with Complaint Case No. 2641/2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

Rakhi/-

U		T	
---	--	---	--

