

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36233 of 2014

Arising Out of PS.Case No. -2020 Year- 2013 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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1. Jai Prakash Ojha, Son of Sri Prahalad Ojha , Resident of Village - Bankat , P.S.Tiar , District - Bhojpur ,at present Mohalla - Tari , P.S. Arra Town , District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar.
2. Triyogi Pandey , Son of Late Deomuni Pandey , Resident of Farne , P.S. Brahra , Distt. Bhojpur , At present Maulabagh , Pakari , Krishna Nagar ,P..S . Arra Town , District - Arra

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 09-07-2015 On a private complaint submitted against the petitioner, Complaint Case No. 2020-C/13 was registered in the court of Chief Judicial Magistrate, Bhojpur at Ara.

The allegation against the petitioner was that being L.I.C. agent he received certain amount from the complainant as premium from 2007 onwards, but instead of arranging for policy the petitioner deposited the amount in his own account. Accordingly, a complaint alleging offences punishable under sections 323, 341, 504, 420, 467, 468 and 406 of the Indian Penal Code was filed.

Apprehending his arrest, the petitioner filed A.B.P. No. 989 of 2014 in the court of Sessions Judge, Bhojpur, Arrah. The same was dismissed on 2-8-2014. Hence, this application is filed before this Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

It is stated that except making bald allegation, the complainant did not submit any document to show that any amount was paid, and in fact if any amount was paid in 2007, he would not have paid the next year unless the document is issued. This Court, prima facie, finds that this is not a case in which arrest of the petitioner, who is a L.I.C. agent, is necessary for trial of the case.

Hence, the petition is allowed, and it is directed that in the event of arrest, the petitioner above named shall be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Bhojpur at Ara, in connection with Complaint Case No. 2020(C)/13/S.T. No. 313/13, subject to the conditions as laid down under section 438(2) Cr.P.C.

BK.Roy/-

(L. Narasimha Reddy,CJ)

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