



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56227 of 2015

Arising Out of PS.Case No. -374 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

=====

BINOD TIWARI son of Late Kanhaiya Tiwari,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Jagdhar Pd.(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 10-12-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Section 420 IPC.

The prosecution case is that the petitioner took loan of
Rs.2,50,000/- from the informant but he failed to return the same
and, thereafter he executed a sale deed with regard to a particular
piece of land. Subsequently, the informant came to know that the
said land was earlier sold by the petitioner in favour of wife of his
elder brother on 15.06.2010.

It is submitted by learned counsel for the petitioner that

neither there is any proof with regard to the alleged payment made to the petitioner nor the petitioner executed any sale deed in favour of the informant. A statement to that effect has been made at paragraphs 6 and 7 to the petition, which reads as follows :-

"6. That the petitioner has not taken loan from the informant, nor has ever made promise to transfer his land in his favour, nor has he ever executed any sale-deed in his favour on the alleged date of occurrence.

"7. That there is no any chit of paper to substantiate the advancement of loan of huge amount of two lakhs and fifty thousand, and even if it is accepted for the sake of argument, it is friendly loan, in which dishonest intention necessary for making out a case of cheating is wanting."

A further statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of the learned CJM, West Champaran at Bettiah in connection with Shikarpur P.S. Case No.374/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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