

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25840 of 2015

Arising Out of PS.Case No. -128 Year- 2014 Thana -BABUBARHI District- MADHUBANI

1. Saroj Kumar Jha, Son of Sri Suresh Chandra Jha, resident at village-Sarara, P.S.- Babu Barahi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhash Ranjan Thakur, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-10-2015

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 420 and 406 of the Indian Penal Code.

Prosecution case is that the informant gave Rs.10,00,000/- to the petitioner on assurance of payment of 40% of the contract service charges and Rs.23,000/- per month, but the petitioner returned only Rs. 09,61,000/-, but failed to make payment of the promised amount and the balance of the principal amount to the tune of Rs. 5,39,000/-. The matter was referred to the Mediation Centre of Bihar State Legal Services Authority, but the report of the Mediator, Flag-A, reflects that the issue could not be resolved.

It is submitted by the learned counsel for the petitioner that the petitioner has returned Rs. 9,92,500/- and the petitioner is ready to make payment of Rs. 7500/-.

It is submitted by the learned counsel for the informant that money was taken as loan and petitioner has violated the terms of agreement and thereby committed the offence under Sections 420 and 406 of the Indian Penal Code.

Considering the nature of accusation, let the above named petitioner be released on bail on deposit of Rs. 75,00/- before learned court below which admittedly the petitioner is ready to return to the informant, 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 Sri Ravi Shankar, Judicial Magistrate, Ist Class, Madhubani, in connection with Babubarahi P.S. Case No. 128 of 2014, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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