

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29598 of 2014

Arising Out of PS.Case No. -617 Year- 2011 Thana -COMPLAINT CASE District- SUPAUL

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1. Jawahar Kumar Yadav Son of Sukhnandan Yadav
Resident of Village - Mangani West, P.s.- Jadia, District - Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Prakash Kumar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Binod Kr.(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 14-01-2015 Heard the parties.

This is an application for anticipatory bail for the offence punishable under sections 406, 420 and 323 of the I.P.C.

Allegedly the petitioners took amount of Rs. 1,75,000/- from the complainant on 10.03.2009 and executed a paper and when the money was demanded the petitioner no.1 and co-accused Sukhnandan Yadav executed an agreement duly verified by the Notary on 04.09.2009 agreeing to return the money otherwise to give Bolero vehicle and took back the original paper which was executed earlier but Bolero was sold to one Anil Yadav and the petitioners did not return the amount.

Submission is that the case is out and out false. No amount was taken by the petitioner. The agreement was forged and fabricated and as such the petitioner deserves sympathetic consideration and moreover the dispute is of Civil nature to which the learned counsel for the complainant and learned

A.P.P. opposed by submitting that the petitioners cheated the amount of Rs. 1,75,000/- from the complainant.

Considering the submissions urged at the bar, going through the records and noticing that the dispute appears of Civil nature and as such the petitioner No. 1 Jawahar Kumar Yadav in case of his arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of .J.M. Ist Class, Supaul in Complaint Case No. 617C of 2011, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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