

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30961 of 2014

Arising Out of PS.Case No. -1069 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Baij Nath Rai S/o Ramashish Rai Resident of village- Panapur, P.S.-
Sadar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mahendra Rai S/o Late Shiv Narayan Rai R/o village- Adalpur, P.S.-
Sadar, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.Ii
For the Opposite Party/s : Mr. T.N.Thakur (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 28-01-2015 Heard the parties.

In this application for anticipatory bail the petitioner apprehends his arrest for the offence punishable under section 406 of the I.P.C.

Allegedly, the petitioner took amount of Rs. 2,10,000/- from the Complainant with promise to return the same till June, 2012 but the said amount was not returned within the stipulated period. A document was prepared and on 15.04.2013 when the Complainant demanded back his money the petitioner took the original paper of loan amount and torn it into pieces. However, photo copy of that agreement is with the Complainant which was filed in the lower court. Petitioner is not returning the amount.

Submission is of false implication and that there is no

chit of paper. Photo copy has got no evidentiary value and only on concocted allegation case has been lodged as both the petitioner and the Complainant were running a business of selling and purchasing the wood and such occurrence never took place. The petitioner is an old man aged about 50 years and as such deserves sympathetic consideration, to which the learned counsel for the Complainant opposes by submitting that from the photo copy of agreement it would reveal that how the petitioner has taken the amount and has agreed to return the amount.

Considering the submissions urged at the bar, going through the records and noticing that the dispute appears purely of civil nature and as such the petitioner 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. C.J.M. Vaishali at Hajipur in Complaint Case No. 1069 of 2013, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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