

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36974 of 2014

Arising Out of C.A.Case No. -741(C) Year- 2013 PATNA COMPLAINT CASE District- PATNA

1. Md. Alim Son of Md. Wasimuddin Resident of Mohalla-Shahda House,
Gayatri Nagar Ward No.-8 P.S.-Morwa, District-Singrauli, Pin Code
486889, M.P.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Adv.

For the Opposite Party/s : Mr. Anita Kumari Singh, APP

For the informant : Mr. Ravi Bharadwaj, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 20-02-2015 Heard Mr. Arvind Kumar Mouar learned counsel for the
petitioner, learned counsel for the State and Mr. Ravi Bharadwaj
for the informant.

The petitioner apprehends his arrest in connection with
C.A. Case No. 741(C) of 2013 for the offences punishable under
Sections 420 of Indian Penal Code.

The allegation against this petitioner is of obtaining loan
from the informant in course of business and non return thereof.

Learned counsel for the petitioner even while referring to
the allegations made in the complaints submits that even if the
allegations are accepted on the face value it would not yet
constitute an offence of cheating as there was no inducement by

the petitioner which prompted the informant to part with the amount.

Mr. Bharadwaj learned counsel for the informant has submitted that the inducement was on the pretext of need and thus it would suffice the parameters of Section 420.

Since the issue is pending before the Court below hence this Court at this stage would not express any opinion thereon for it would prejudice the case of either of the parties.

However in the circumstances discussed, let the petitioner namely, Md. Alim in the event of his arrest/surrender within four weeks from today, be released on bail upon furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Patna City, Patna in connection with C.A. Case No. 741(C) of 2013 subject to the conditions stipulated under Section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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