

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50091 of 2015

Arising Out of PS.Case No. -197 Year- 2015 Thana -NAWADA MUFFASIL District- NAWADA

Kundan Kumar S/o Damodar Prasad, resident of village- Godapar, P.S.
Warsaliganj, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN HARMA
ORAL ORDER

2 15-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Nawada
Muffasil P.S. Case No. 197 of 2015 for the offences punishable
under Sections 419 & 420 of the Indian Penal Code.

Allegedly, the petitioner took the amount of Rs.
1,60,000/- to supply bricks from Puja Kumari the sister of the
informant but neither supplied the bricks and nor returned the
amount and ultimately with the aid of villagers, the petitioner was
caught and handed over to the police.

Submission is of false implication and that during



investigation, it has come that petitioner was not the owner of brick Kiln, there is no chit of paper to show that the petitioner has taken any amount from the sister of the informant. Moreover, this is a case of breach of promise and for that remedy lies in Civil Suit. The case has been filed after much delay i.e. 5 years and the petitioner was assaulted and was handed over to the police. Resulting, he is suffering in custody since 27.08.2015 having no criminal antecedent.

Learned APP duly assisted by learned counsel for the informant opposed the prayer of bail and submits that the petitioner cheated the sister of the informant by taking the said amount.

In the facts and circumstances stated above, considering that the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada arising out of Nawada Muffasil P.S. Case No. 197 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned

and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

Rajiv/-

(Jitendra Mohan Sharma, J)

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