

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55519 of 2015

Arising Out of PS.Case No. -492 Year- 2015 Thana -NAWADA District- NAWADA

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Akhilesh Kumar, Son of Babulal Prasad, Resident of Village- Suraj Dih,
P.S. Sirdalla, District Nawadah.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha, Advocate.

For the Opposite Party/s : Mr. Shyam Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 18-02-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is accused in connection with Nawada
Nagar P.S. Case No. 492 of 2015 registered under Sections 467,
468, 471, 473, 406, 420 and 506 of the Indian Penal Code.

The accusation against the petitioner is to take
Rs.15,10,000/- to the informant, Raj Kumar on pretext of
providing job in the Railway Department.

Learned counsel for the petitioner submits that, in fact,
petitioner and the informant are close friend and Rs.80,000/- was
returned by the informant to the petitioner, which was taken by
him as loan except that there is no documentary evidence
regarding payment of money by the informant to this petitioner.

Moreover, consideration or object of the agreement for which the informant is said to have been made payment is itself forbidden in law under Section 23 of the Contract Act, 1872.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada, in connection with Nawada Nagar P.S. Case No 492 of 2015. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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