

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10109 of 2016

Arising Out of PS.Case No. -558 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

=====

Bhagirath Rai S/o Ram Jatan Rai R/v - Pakari Mohammad, P.S. - Amnour,
Distt. - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manoj Kumar Yadav, S/o - Budh Ram Prasad Yadav, R/v - Kanwari
Kala, P.S. - Amnour, Distt. - Saran.

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate.
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-07-2016 Heard both sides.

The petitioner apprehends his arrest in Complaint
Case No. 558/2014 for the offences under Sections 406, 34 of the
Indian Penal Code.

The complainant made allegation that the petitioner
and others informed the informant that they have come from Easy
Gain India Marketing Limited and persuaded the complainant to
invest money in the said company. It is alleged that the petitioner
and others took Rs. 4,60,000/- from the complainant with the
assurance that the complainant would get Rs. 12,00,000/- in return
but no money has been returned. A deed of agreement was also
entered into between the parties.

Learned counsel for the petitioner submits that there

is nothing on record to show that the petitioner received any money from the complainant. Learned counsel appearing on behalf of the complainant, on the other hand, submits that from perusal of the deed of agreement it would appear that the petitioner owed responsibility to return the money in case of non-payment of maturity amount.

It appears that the deed of agreement has not been annexed to the complaint petition. It is a case of lending and borrowing of money.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri S.D. Bharti, Judicial Magistrate, 1st Class, Chapra at Saran in Complaint Case No. 558/14, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--