

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37470 of 2016

Arising Out of PS.Case No. -1943 Year- 2015 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. MITHILESH KUMAR SINGH Son of Mohar Singh R/o village - Bali
Sadhpur, P.O. Lajuar, Police Station Kopa, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar

2. Praffula Singh S/o Shiv Kumar Singh R/o village - Bogeiya, P.S.
Daudpur, Distt. - Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh, Advocate.

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Trial No. 2404/2016 arising out of Complaint Case No.
1943/2015 registered for offences punishable under Sections 406
and 420 of the Indian Penal Code.

The prosecution case as lodged on the basis of the
complaint by the complainant, Prafulla Singh is that the petitioner
was running a Company under the name and style “Tarang
Radio” and he collected money from the innocent persons
including the complainant assuring them to return the same with

certain interest. The petitioner took Rs. 2, 44,668/- from 03.01.2009 to 14.08.2012 and when the complainant requested him to return his money with interest firstly he avoided him on one pretext or other and lastly on 01.07.2015 he refused to return his money.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that on solemn affirmation before the Court below the complainant has agreed that there was money transaction between both the parties in good faith and the complainant has time to time received interest but he further submits that there was no money receipt showing the transaction by both parties. The petitioner submits that he has returned all the money taken from the complainant to his father-in-law, Bashishth Narain Singh. He further submits that the petitioner has no criminal history, as is evident from para-3 of this application.

It has further been submitted that the petitioner is owner of Company "Tarang Radio" and has own home and hearth in the said village and undertakes not to abscond or tamper with the evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the Complaint Case, hence, opposes the

prayer for bail.

Be that as it may, since the matter relates to money dispute and it is admitted by the complainant that he had good relations with petitioner and has returned certain amount and also interest, and that he is a small businessman , who has home and hearth in the village, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Court No. 12 vide trial No. 2404/2016, Chapra arising out of Complaint Case No. 1943/2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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