

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46523 of 2016

Arising Out of PS.Case No. -350 Year- 2016 Thana -KATIHAR District- KATIHAR

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1. Rabindra Kumar Yadav Son of Dina Nath Yadav
2. Munna Kumar Son of Dina Nath Yadav Both Resident of Village-
Mirjapur, Post Office-T.M. Baghar, P.S. Manihari, District-katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Patil
Fro the Informant : Mr. Sanjeev Kumar Singh
For the Opposite Party/s : Mr. Smt. Sahin Begam, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 30-11-2016 Heard both sides.

The petitioners apprehend their arrest in Katihar Nagar (Sahayak) P.S. Case No. 350/2016, registered for the offences punishable under Sections 406, 420, 34 of the Indian Penal Code.

The informant Radha Mohan Yadav filed a complaint case on the basis of which the present FIR was lodged alleging therein that he gave Rs. 2,00,000/- to Rabindra Kumar Yadav and Munna Kumar on 25.12.2012 and Rs. 2,30,000/- on 15.04.2015 and his son Karan Anand also gave Rs. 2,00,000/- to Munna Kumar on 21.03.2015. The informant further alleged that Uday Narayan Yadav, one of the accused, is own brother of the



informant and he asked the informant not to demand any money from Accused Nos. 2 and 3 as marriage of the daughter of Uday Narayan Yadav was settled with Accused No. 3 and he himself had to gift them. Uday Narayan Yadav assured to return the amount to the informant. Again the informant gave Rs. 10,50,000/- to Uday Narayan Yadav and a deed of agreement was executed on a non-judicial stamp.

Learned counsel for the petitioners submits that the petitioners never took any money from the informant. Uday Narayan Yadav is brother of the informant who executed the deed of agreement of taking money from the informant. Uday Narayan Yadav has already been granted bail on his undertaking to return the money to the informant *but* the learned counsel for the informant as well as learned Additional P.P. opposed the prayer for bail and submitted that the petitioners also took Rs. 6,30,000/- from the informant. The rest of the amount was taken by his brother Uday Narayan Yadav and he was the guarantor of the money.

It appears that the informant did not attach any papers with the complaint petition on the basis of which the present FIR was lodged to show that the petitioners ever received money from the informant. The brother of the informant executed the deed to



return the money taken by him and Uday Narayan Yadav has already been enlarged on bail on his undertaking that he will return the money.

Considering the facts aforesaid, the petitioners above named in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Katihar Nagar (Sahayak) P.S. Case No. 350/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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