

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58118 of 2015

Arising Out of PS.Case No. -601 Year- 2015 Thana -NAUBATPUR District- PATNA

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1. Upendra Kumar, son of Jainarayan Yadav, Resident of Village- Sarari,
P.S.- Naubatpur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Ashraf Ansari(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-01-2016 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with
Naubatpur P.S. Case No. 601/2015 registered for offences
punishable under Section 406 of the Indian Penal Code.

The prosecution case is that this case has been
instituted on the basis of the written application of Dr. Sunil
Kumar, on 10.10.2015 alleging therein interalia that he had given
a friendly loan of Rs. 270000/- (two lakh Seventy thousand) to the
petitioner Upendra Kumar through three cheques bearing no.2818
dated 21.03.2014 of Rs. 100000/- (one lakh), cheque no. 2824
dated 31.03.2014 of Rs. 70000/- (seventy thousand) and cheque
no. 2824 dated 22.05.2015 of Rs. 100000/- (one lakh). Out of the



aforesaid amount only Rs. 40000/- (forty thousand) was returned Rs. 230000/- (two lac thirty thousand) and the rest amount is not being returned by him and he is adamant and quarelling. A written application was made to the concerned police station but no action was being taken. His intention is not to return the money. The money is urgently required for the marriage of his daughter.

It has been submitted by the counsel for the petitioner that there was familiar relations between the informant and the petitioner and on that account there was interaction of money and materials as the informant was constructing a house in which by known persons of the petitioner he was instrumental in supply of rods and cement. It has further been submitted that some money has already been given to the informant and the matter requires accounting between the petitioner and the informant regarding money being given and materials supplied. Furthermore, the petitioner submits that the matter relates to money transaction and no case under Section 406 is made out against him.

Be that as it may, let the abovenamed petitioner in the event of his arrest / surrender within a period of six weeks from today before the Court below be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like

amount each to the satisfaction of the learned Additional Chief
Judicial Magistrate, Danapur, Patna in connection with Naubatpur
P.S. Case No. 601 of 2015 subject to the conditions as laid down
under Section 438(2) of the Cr. P.C.

(Nilu Agrawal, J)

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