

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53168 of 2016

Arising Out of PS.Case No. -175 Year- 2014 Thana -SONO District- JAMUI

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Narayain Das, son of Pyarelal Das, Resident of Harwapahari, P.S. Sono,
District- Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Madhuranand Jha

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 08-12-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Sono P.S. Case no. 175 of 2014, registered under Sections 420,
120(B), 406, 384, 323 & 504/34 of the Indian Penal Code.

The accusation is that the petitioner took loan of Rs.
60,000/- from the complainant/informant on the pretext of investing
the same in the business shoes and slipper and also for treatment of his
father Payrelal Das with assurance that the same will be returned
within a year asking to cultivate 7 ½ decimals of land of Khata No. 55,
Khesra No. 967. Accordingly, Rs. 60,000/- was given by the
complainant/informant to the petitioner and other accused persons. An
agreement was also executed on Rs. 10/- non-judicial stamp with
assurance that if the said money will not return, they will execute the
sale deed in favour of the complainant, but in spite of passing over one



year, the said money was not returned to the complainant and petitioner and other co-accused abused and threatened to kidnap the complainant.

Learned counsel for the petitioner submits that it would appear from the complaint petition, which is the basis of the F.I.R. that the dispute is of civil in nature and in terms of the agreement, the complainant has to file Title suit for the specific performance of the contract, but due to ulterior motive, complainant filed this case only to harass the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate 1st, Jamui in connection with Sono P.S. Case No. 175 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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