

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38316 of 2016

Arising Out of PS.Case No. -51 Year- 2016 Thana -BELDAUR District- KHAGARIA

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Bisnudeo Singh @ Bijay Singh @ Bishundeo Singh, S/o Late Shivan Singh,
Resident of Village- Telihar, P.S.- Beldaur, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate

For the Opposite Party : Mr. Sri Navin Kumar Pandey (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 03-10-2016

Heard learned counsel for the petitioner, the learned

counsel representing the State as also learned counsel for the
informant.

The petitioner seeks bail in connection with Beldaur
P.S Case No. 51 of 2016 registered for the offences punishable
under Sections 406, 420, 504, 506/34 of the Indian Penal Code.

Allegedly, the petitioner took Rs. 3,20,000/- as loan
on 15.12.2012 from the informant after writing on his letter pad
with assurance to return the money within three months otherwise
to give interest as per bank rate or to transfer the land, but he did
not return the money and then there was Panchayati on 28.11.2015
wherein Panches gave award in favour of informant and when
lastly, in January, 2016, money was demanded, the petitioner and
his son Banty Kumar started assaulting the informant and caused

threats.

Submission is of false implication and that from the annexure which is writing on letter pad, it reveals that the petitioner and the informant both were partners and it may be possible that letter pad of the petitioner's was misused by the informant, petitioner has not signed on that letter pad, he has not executed the said paper and in *Panchnama* there is no signature of the petitioner and, as such, the petitioner deserves sympathetic consideration. This case has been filed in retaliation as the petitioner has filed complaint case no. 327 (C) of 2014 against the informant wherein cognizance was taken under section 379/34 of the Indian Penal Code vide Annexure-2.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner has cheated the informant and now he is not ready to abide by award of *Panches* and when the demand was made, the petitioner and his son started assaulting the informant and caused threats.

In the facts and circumstances stated above, considering the detention of the petitioner now, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to

the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with Beldaur P.S. Case No. 51 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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