

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53438 of 2015

Arising Out of PS.Case No. -448 Year- 2015 Thana -KOTWALI District- PATNA

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Dilip Kumar Dey S/o Late Manmath Kumar Dey, R/o Kurji Gate, near
Jyoti Tailor, P.O.- Sadakat Ashram, P.S.- Digha, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Mukesh Kr. Sharma, son of Late Naval Mistri, R/O Mishri tola,
P.S.Sultanganj, District-Patna-6.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Uday Shankar Choudhary, Advocate.

For the Opposite Parties : Mr. Manoj Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-02-2016 Heard learned counsel for the petitioner, learned counsel
for the Informant and learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Kotwali P.S. Case No. 448 of 2015 for the offences instituted
under Sections 406 and 420 of the Indian Penal Code.

As per the prosecution case that petitioner borrowed a
sum of Rs.2,00,000/- from the informant on 18.05.2013 for the
treatment of his mother in presence of two witnesses, one of them
was his son Arun Kumar mentioned as the borrowed amount shall
be returned within eighteen months and if the borrower fails to
repay the borrowed amount the informant was entitled to recover
the borrowed amount from the borrower and after lapse of

eighteen months whenever informant demanded his money then the petitioner evaded the matter from one pretext to another then the petitioner issued a cheque of Rs.two lacks and the borrower stated not to come again for demand of money to the informant when the informant deposited the aforementioned cheque in the account.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. There is no substantive evidence to show the involvement of the petitioner in the present case. It is further submitted that the petitioner is ready to deposit an amount of Rs.50,000/- in the court below which may be released in favour of the informant.

On behalf of the State and the counsel for the informant, it has been submitted that the petitioner is named in the F.I.R and he has committed fraud upon the informant.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs.50,000/- in the court below which shall be released in favour of the informant and on doing so, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of eight weeks from today in connection with Kotwali P.S. Case No. 448 of 2015 on furnishing

bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

B.Kr./-

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