

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42221 of 2017

Arising Out of PS.Case No. -111 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Ram Balak Sah, Son of Late Devi Sah, resident of Village- Kaswa Tola,
Amodei, P.S.- Ramgadhwa, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sona Lal Prasad, Son of Late Ram Briksh Sah, R/o Mohalla- Raxaul
Ward No. 20, P.S.- Raxaul, District- East Champaran. At present R/o- Fruit
Mandi, Raxaul, P.S.- Raxaul, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Sri Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. C-111 of 2015 registered under Section 420
of the Indian Penal Code.

The allegation of complainant, Sona Lal Sah, is that he
is running the fruit shop at Fruit Market, Raxaul, where petitioner
is also running his fruit shop and his son, Vikash Kumar, is the
proprietor of fruit company situated at Kaswa Tola, Raxaul. The
petitioner was in need of money for development of his shop and
demanded money from the complainant, on which, he gave
Rs.10,1000/- as loan to the petitioner on assurance to return the
same within fifteen days but the said money was not returned in



spite of repeated request. On 09.07.2012, Panchayati was arranged, in which, the petitioner assured to return the said amount in four installments till 05.11.2012 but the money was not returned. Thereafter, he issued the legal notice twice to the petitioner but no response was given.

Learned counsel for the petitioner submits that it would appear from the complainant petition that petitioner and the complainant are the owners of fruit shop in the same market and both shops are adjacent to each other and complainant wants to close the fruit shop of the petitioner due to that reason the present case has been lodged only to give undue pressure.

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 six 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 Sub-Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari, in connection with Complaint Case No. C-111 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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