

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27473 of 2016

Arising Out of PS.Case No. -260 Year- 2016 Thana -SITAMARHI District- SITAMARHI

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Jitendra Kumar Son of Sri Suresh Prasad Resident of Village- Maya tola,
Riga Road, Ward No. 1, Police Station and District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

2. Hemant Kumar Sonof Sat Narayan Prasad, resident of Mohalla- Rajo
Patti, Bakasha Shop ward No. 18, Police Station and District Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 10-01-2017 Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Learned counsel for the opposite party no. 2
is also present.

The petitioner apprehends his arrest in
connection with Sitamarhi P.S. Case No. 260 of 2016
for the offences registered under Sections 406, 420,
387 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits
that there was relationship of landlord and tenant
between the parties and only because of the fact that
the petitioner is having a jewellery business, the
informant has lodged the present case against the
petitioner for the purpose of procuring the arrears of



rent and for evicting him. There was no sale of jewellery between the informant and the petitioner and the entire story is false and fabricated.

Learned counsel appearing on behalf of the opposite party no. 2 submits that the petitioner had sold certain jewellery for the purpose of marriage, but subsequently, the same was found to be duplicate and therefore, the informant returned the jewellery to the petitioner but neither did the petitioner return the jewellery nor did he replace the same with other jewellery or return the price thereof.

Diary of the present case was called for, which has since been received.

After hearing learned counsel for the parties, it appears that there is a cloud on the prosecution story and that the transaction is not exactly clear in what manner the petitioner had sold the jewellery or taken back the same.

In view of the vague nature of allegation made against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 260 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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