

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29795 of 2017

Arising Out of PS.Case No. -1277 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA
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Rajdeo Yadav, Son of Late Suryadeo Yadav, resident of village- Gaffa
Khurd Tola, Jaisin Bigha, P.S.- Bodh Gaya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Indi Yadav, Son of Late Bal Kishun Yadav, R/o Gaffa Khurd Tola
Jaisin Bigha, P.S.- Bodh Gaya, District- Gaya.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.
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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint
Case No. 1277 of 2015 instituted for the offence under Sections
406 and 420 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the
amount has already been returned by him to the complainant with
interest which would be apparent from Annexure-5. It has further
been submitted that the occurrence is of the year 2008 and the
complaint case has been filed in the year 2015 i.e. after a lapse of
7 years.

The complaint was initially dismissed under Section
203 Cr. P.C. vide order dated 8.1.2016 by the learned Judicial



Magistrate, Gaya, and, thereafter the revision was preferred by the complainant vide Cr. Revision No. 35 of 2015 which was allowed. Thereafter, after enquiry, the Magistrate has found *prima facie* case against the petitioner.

Annexure-5 is the document filed on behalf of the petitioner which shows that an amount of Rs.57,000/- including interest has been returned by the petitioner. This fact has also been admitted by the informant as it appears from the impugned order. It has also been submitted before the learned Sessions Judge that the money has been paid by the petitioner to the brother of the informant but not to him.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Complaint Case No. 1277 of 2015, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 11th, Gaya, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall



cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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