

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37548 of 2017

Arising Out of PS.Case No. -164 Year- 2016 Thana -KALYANPUR District- SAMASTIPUR

=====

1. Baidya Nath Sah @ Baijnath Sah, son of late Ram Chandra Sah,
resident of Village- Govindpur Khajuri, P.S.- Kalyanpur, District-
Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP
Mr. Ramakant Sharma, Sr. Advocate with
Mr. Dilip Kumar Roy, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 06-09-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Informant.

Petitioner apprehends his arrest in Kalyanpur P.S.
Case No.164 of 2016 instituted for the offence under Section(s)
406, 420 Indian Penal Code pending in the Court of the Chief
Judicial Magistrate, Samastipur.

Prosecution case is that the petitioner along with
other accused persons was running non-banking co-operative
bank, wherein, the informant had deposited money. When the
informant demanded his money on completing maturity, the
petitioner gave him a paper in writing that he will pay the money,
but he did not make payment. Thereafter, a *Panchayati* was held
and the petitioner took three months' time to make payment. The
petitioner made demand of money after three months, but the



petitioner refused to give the money and threatened him.

Case diary has been received.

Counsel for the State has submitted that in the case diary all the witnesses have supported the allegation levelled against the petitioner of taking money from the informant and not returning the same.

During course of argument, counsel for the Informant has produced a paper of *Panchayati*, which bears the signature of the petitioner, wherein, the petitioner has undertaken to return the money within three months.

As such, there is specific allegation against this petitioner.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is rejected.

In the event, the petitioner becomes ready to make payment of entire amount to the Informant at the time of his surrender in the Court below, the Court below will consider the prayer of the petitioner in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

