

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2995 of 2017

Arising Out of PS.Case No. -1027 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

=====

1. Sanjay Kumar Jha, son of Bhola Nath Jha, resident of Mohalla Ekta
Nagar, Bairiya, P.S. Ahiyapur, District Muzaffarpur Petitioner

Versus

1. The State of Bihar
2. Ganesh Chauhan S/o Basudeo Pd. Chauhan Mohalla - Garibsthan, P.S.
Sadar, Distt. Muzaffarpur Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Binay Kumar Singh, Adv.
For the Opposite Parties : Mr. Shyam Kumar Singh, APP 138

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 10-02-2017 Heard the learned counsel for the petitioner and the
State.

This is a petition for grant of anticipatory bail for
offence under Sections 406, 420 and 323 of the Indian Penal Code.

The complainant had advanced loan to this petitioner.
When the complainant demanded refund of the amount, the
petitioner allegedly committed assault.

Submission of the petitioner is that each and every
non-refund of loan does not come within the purview of cheating
unless there is material to show that at the time of entering into
initial agreement the petitioner had dishonest intention.

Considering the aforesaid fact, the petitioner, above
named, in the event of his arrest or surrender, within four weeks
from the date of receipt of this order, be released on anticipatory
bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand)
with two sureties of the like amount each in connection with
Complaint Case No. 1027 of 2014 (Tr. No. 1873 of 2016) to the
satisfaction of the **Chief Judicial Magistrate, Muzaffarpur**, or
successor Court, subject to the condition laid down under Section
438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

SA/-

U	√	T	√
---	---	---	---

