

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6277 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -KOTWALI District- PATNA

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Mohan Kumar @ Sanjay Kumar @ Mohan@Mohan, Son of Sri Din Dayal Prasad, resident of Mohalla – Bakerganj, Opp. Gula Bagh, Market, P.S. – Kadamkuan, District – Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2
Mr. Krishna Chandra

For the Opposite Party/s : Mr. Anil Kumar

For the Informant : Mr. Sunil Kumar.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-02-2017 The petitioner is apprehending his arrest in connection with Kotwali P.S. Case No. 10 of 2017, registered for offences punishable under Sections 418, 420, 467, 468, 487 and 120B of the Indian Penal Code.

It has been submitted on behalf of the petitioner that though there is allegation against the petitioner that he handed over 18 karat of gold ring to the informant instead of 22 karat gold ring, however the informant never communicated the petitioner or his shop for the said allegation and if the informant had any grievance, as per the policy of the petitioner's shop, the petitioner may return the said ring and ask for payment and the informant instead of doing so, has lodged this present false case. Petitioner is still ready to return his ring and pay the back the entire amount



given by the informant to the petitioner at the time of purchase of the said ring.

Heard learned A.P.P. and Mr. Sunil Kumar, in person. He has opposed the prayer for bail and submitted that not only he was handed over 18 karat gold instead of 22 karat but when he went to return the said ring, he was misbehaved and humiliated by the staff of the petitioner's shop and also after filing of the present case, he has been threatened to take back the present case.

Having heard both sides, no doubt a petition has been annexed by the informant stating that the petitioner is threatening him, but that petition is dated 11.01.2017 and petitioner undertakes not to indulge in such act in future and he is ready to cooperate with the informant in settling the issue, as such, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Patna, in connection with Kotwali P.S. Case No. 10 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a



local person having sufficient immovable property within the jurisdiction of the concerned Court.

- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.
- (iii) Petitioner shall not threaten the witnesses and informant and shall also not try to tamper with the evidence, otherwise his bail bonds shall be cancelled.

It is also made clear that if at the time of filing of charge-sheet, any serious material comes against the petitioner, his bail bonds will be liable to be cancelled.

(Vinod Kumar Sinha, J)

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