

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31358 of 2017

Arising Out of PS.Case No. -270 Year- 2016 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Suresh Mahto, Son of Darshan Mahto, Resident of Village- Bairyan Durg,
P.S.- Uchkagaon, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Kumar Bahgat, Son of Late Banarsi Bhagat, Resident of Village-
Bairyan Durg, P.S.- Uchkagaon, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5, Advocate
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-07-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint
Case No. 270 of 2016 (Trial No. 1362 of 2016) instituted for the
offence under Section 420 of the Indian Penal Code.

It is alleged in the written report that the complainant
gave Rs.50,000/- to the petitioner for doing business of fish and in
support of such payment, the petitioner prepared the hand notes
with assurance to return the money along with interest, but when
the complainant made demand of the aforesaid money, the
petitioner refused to make payment. The hand notes has been
annexed as Annexure-3 by the complainant which bears thumb
impression of the petitioner.



Learned counsel for the petitioner has submitted that the aforesaid hand-notes has not been scribed by Anand Kumar. He has filed affidavit which is enclosed as Annexure-6 stating therein that money was not paid to the petitioner in his presence, but he has admitted that he has put the signature on the paper which was prepared between the complainant and the petitioner.

In such circumstances from Annexure-2 and also the affidavit of Anand Kumar, Annexure-6, it appears that there was money transaction between the complainant and petitioner and the petitioner, on demand, has refused to make payment of the aforesaid money to the complainant.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail.

S.Ali/-

(Sanjay Priya, J)

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