

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18792 of 2017

Arising Out of PS.Case No. -131 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Upendra Paswan, Son of Late Vindeshwar Paswan, resident of Village-
Mahkar, Police Station- Roh in the district of Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ashok Kumar @ Karu, Son of Sri Brahmdeo Sahu, Resident of Village-
Birnama, P.S.- Kashichak, District- Nawada, Presently resident of Roh
Chowk, Gold Silver Shop, P.S.- Roh, Dist- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 11-07-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint
case No. 131 of 2015 for the offence allegedly committed by the
petitioner under Section 406, 420 of the Indian Penal Code.

The complainant earlier lodged Roh P.S. case No. 61
of 2012 alleging therein that petitioner borrowed Rs. 4,30,000/-
from him but he did not return the money and even after several
reminders he returned only Rs. 40,000/- to the complainant. The
police after investigation found the case false and, accordingly,
submitted final form. The complainant filed protest petition after
acceptance of the final form the case proceeded on complaint.



The learned counsel for the petitioner submits that no offence under Section 406, 420 of the IPC is made out. The petitioner did not receive or borrow any money from the complainant.

On the other hand, Sri Pankaj Kumar Sinha, the learned counsel for the complainant, vehemently opposed the prayer for anticipatory bail and submitted that according to agreement arrived at between the parties the petitioner has agreed to return the money and in case of failure the complainant will be at liberty to take recourse to law.

On perusal of the records, it appears that, even according to agreement, the complainant has got every right to get money returned by filing civil suit. The petitioner denied to have received any money or put signature on any deed of acknowledgement on receipt of money.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the



learned Additional Chief Judicial Magistrate-III, Nawada in Protest-cum-Complaint Case No. 131 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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