

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33083 of 2017

Arising Out of PS.Case No. -777 Year- 2016 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

=====

1. SANTOSH KUMAR RAI @ SANTOSH KUMAR, S/o Pachu Rai,
Resident of Village- Devkali, P.S.- Mohania, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Subhash Chandra Gupta, son of Jai Shankar Prasad, resident of Village-
Upari, P.S.- Ramgarh, District- Kaimur (Bhabhua).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
For the Opposite Party/s : Mr. Sri Ram Naresh Ray
For Complainant : Mr. Sandeep Singh

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-07-2017 The petitioner seeks regular bail in connection with

Complaint Case No. 777 of 2016, registered for offences

punishable under Sections 420, 406 and 34 of the Indian Penal

Code.

Allegation against the petitioner and other co-accused of

this case that they after procuring rice from the complainant has

not given the payment of Rs. 13,34,466 to the complainant.

It has been submitted on behalf of the petitioner that this

is out and out a case of money suit and for that a civil liability is

on the petitioner. Further the receipt produced by the complainant

does not bear the signature of the petitioner. Petitioner has been in



judicial custody since 14.06.2017.

Heard learned A.P.P. as well as learned counsel for the complainant. They have opposed the prayer of bail and submitted that the petitioner procured the rice with an assurance that he will pay the entire amount later on but when the complainant started demanding his money, petitioner refused the same and as such a case under the above mentioned sections of Indian Penal Code is made out against the petitioner.

Having heard both sides, considering the facts and circumstances of the case, as acceded by the petitioner, he is directed to deposit the security money of Rs. 6,50,000 (Rs. Six Lakhs Fifty Thousand) and the Court below after being satisfied, shall release the petitioner on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Kaimur at Bhabhua, in connection with Complaint Case No. 777 of 2016, subject to the following conditions:-

- (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 will not induce any witness or



tamper with the evidence.

- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

It is made clear that the above security money, which is to be deposited by the petitioner, shall be subject to the outcome of the case.

(Vinod Kumar Sinha, J)

sunil/-

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

