

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34543 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -CHAKAND District- GAYA

=====

1. Ramesh Kumar Sharma Son of Late Rajendra Sharma, R/o Village- Mahadeopur, P.S.- Paraiya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Thakur
Mr. Nilesch Kumar
For the Opposite Party/s : Mr. Sri Ashok Kumar
For the informant : Mr. Deepak Kumar

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 28-07-2017 The petitioner seeks regular bail in connection with Chakand P.S. Case No. 41 of 2017, registered for offences punishable under Sections 647, 468, 471 and 420 of the Indian Penal Code.

Prosecution story is that the petitioner has taken Rs. 10,00,000/- from the informant on account of construction of his house as the informant wanted to marry his daughter with the son of the petitioner but after knowing the fact that son of the petitioner is mentally ill, he refused to marry his daughter with the son of petitioner and, thereafter, he demanded his money back, but petitioner only gave him Rs. 2,00,000/- and for other amounts cheque given by the petitioner got bounced and when he went to



demand the rest of money, he refused to pay the same.

Submission of learned counsel for the petitioner that out and out false allegation has been made by the informant and no such money as alleged by the informant has been given to him. Further as per the F.I.R itself, three cheques worth Rs. 2,00,000/- were encashed and remaining amount could not be paid due to stop payment. It has also been submitted that informant got a paper signed by the petitioner in which the informant also put his signature along with one other person, wherein it was clearly written that Rs. 3,00,000/- lakhs will be given through the Bank and Rs. 2,00,000/- will be given through cash and it is nowhere mentioned that informant has given Rs. 10,00,000/- to the petitioner. Further petitioner has been in judicial custody since 21.06.2017.

Heard learned A.P.P. and learned counsel for the informant. Learned counsel for the informant has submitted that he has given Rs. 10,00,000/- lakh to the petitioner and out of which only Rs. 2,00,000/- has been returned and he needs money for marriage of his daughter.

Having heard both sides, considering the facts and circumstances and the submission of parties, this application is disposed of with a direction to the petitioner to deposit Rs.



3,00,000/- in the Court below through a Bank Draft drawn in favour of the informant and the Court below only after satisfying himself 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 Chief Judicial Magistrate, Gaya, in connection with Chakand P.S. Case No. 41 of 2017, 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 will be free to move for cancellation of his bail bonds.



It is made clear that above amount so deposited will be released in favour of the informant and shall be subject to the outcome of the case.

(Vinod Kumar Sinha, J)

sunil/-

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

