

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44466 of 2018

Arising Out of PS.Case No. -696 Year- 2015 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Bijay Singh,
2. Ajay Singh, Both Sons of Kedar Singh, proprietor of Bansidhar Rice Mills, Madhe, resident of Village- Madhe Police Station- Badem, O.P. District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arun Kumar Singh, Son of Late Daroga Singh, resident of Village- Rahara, P.O. Mahuawa, Police Station- Badem (O.P.), District- Aurangabad (Bihar), at present West Mohan Bigaha near Bal Vatika Vidyalaya, Dehri-on-Sone, Police Station- Dehri-on-Sone, District- Rohtas (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh
For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 30-07-2018 The petitioners are apprehending their arrest in connection with Complaint Case No. 696 of 2015, registered for offences punishable under Sections 406, 420/34 of the Indian Penal Code.

Allegation as per F.I.R. is that the complainant is the guarantor of the petitioner no.2, who is rice mill owner and the complainant pledged his fixed deposit and petitioners received loan but he did not pay his loan. Hence, a criminal case was registered against him. On 24.02.2015, the fixed amount of the complainant was broken prior to maturity. A sum of Rs. 5,00,000/-



was taken back by the bank itself and rest amount of Rs. 13,47,234/- was transferred to the account of the complainant himself. Thus due to immature encashment of fixed deposit, the complainant sustained a loss of Rs. 7,31,589/- which the petitioners are not ready to pay.

Submission of learned counsel for the petitioners is that informant and petitioner no.2 is the partner and petitioner no. 1 is the brother of petitioner no. 2, in the entire business and there was some dues of the BSFC and for that the amount was debited from the account of informant also, due to which, the informant has filed the present false case.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, let the petitioners above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Aurangabad, in connection with Complaint Case No. 696 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, as well as subject to the following conditions, it is further



subject to the condition that:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(Vinod Kumar Sinha, J)

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