

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61901 of 2017

Arising Out of PS.Case No. -566 Year- 2010 Thana -GAYA COMPLAINT CASE District- GAYA
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1. Mahendra Prasad, son of late Ramesh Prasad, resident of Village-Krishna Bigha, P.S. Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vishram Kumar, son of Sri Chhotu Yadav, resident of Village-Manrasa, P.S. Belaganj, District Gaya (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s: Sri Nagendra Prasad, APP

Mr. Brijeshwar Narain Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 06-03-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Complaint Case No.566 of 2010** instituted for the offence under Section(s) 147, 148, 323, 341, 504, 379, 384, 420, 406, 120-B/34 Indian Penal Code.

It is alleged in the Complaint Petition that the Complainant gave rupees one lac ninety seven thousand to the petitioner on promise that he will return the amount by 15th October, 2007, but the amount was not returned within the stipulated time. On 26.02.2010, the Complainant along with his wife went to the house of the accused persons, then accused



persons abused and threatened to kill as well as refused to return the money.

Counsel for the petitioner has submitted that Complainant is son-in-law of this petitioner. Counsel for the petitioner has further submitted that in the Complaint Petition itself, it is mentioned that money was paid in the year 2007, whereas, Complaint Petition has been filed in 2010 after delay of more than three years. It is also mentioned in the Complaint Petition itself that assurance was given to return the money by 15th October, 2007, but no action was taken by the Complainant against the petitioner earlier.

This Court after looking into the allegation in the Complaint Petition is of the view that civil remedy is available to the informant if there is due with the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Complaint Case No.566 of 2010**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, VI, Gaya**, subject to the



conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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