

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2066 of 2018

Arising Out of PS. Case No.-1433 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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SHYAMDEO KUMAR @ SHYAMDEV RAY S/o Rajendra Ray R/o Sahpur
P.S. Sahpur District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalan Kumar S/o Nandlal ray R/o Mohalla-Mithapur P.S. Jakkanpur District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Prasad
For the Opposite Party/s : Mr. SRI BINOD KUMAR

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 16-01-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under sections 323 and 379 of the IPC.

The prosecution case as per the complaint is to the effect that the complainant gave a loan of Rupees Five Lacs to the petitioner on 20.9.2012. The petitioner returned Rupees Two Lacs through cheque and remaining amount was not returned. On 21.4.2013, the petitioner, Guddu



Kumar, Kamdeo, Rajendra Rai, Neeraj Sinha and Mano Sinha came at the shop of the complainant and started abusing him. It is alleged that co-accused Neeraj Sinha took Rupees Five Thousand from the shop and the petitioner assaulted the complainant and snatched chain from the neck and also broke glasses of his shop. On alarm being raised, the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioner that there is no proof with regard to giving loan to the petitioner. In fact, the petitioner gave a friendly loan to the complainant through cheque and the same was not returned. When the petitioner reminded the complainant for return of the amount, the present complaint has been filed.

Learned APP submits that cognizance has been taken after finding prima face case against the petitioner.

Considering the nature of accusation, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-cum-CBI II, Patna in connection with Complaint Case No. 1433



C of 2013, subject to the conditions laid down in Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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