

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30844 of 2018

Arising Out of PS. Case No.-741 Year-2015 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Jairam Paswan, son of Jaideo Paswan, Resident of Village- Kharauna, PS-
Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Laldev Yadav, S/o Late Sukhu Yadav, R/o Makarpur Tola, Dharhora, P.S.
Makhdumpur, District Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-07-2018 Heard learned counsel for the petitioner , learned counsel
for the complainant and learned APP for the State.

Petitioner apprehends his arrest in complaint P.S. case no.
741 of 2015 instituted for the offence under Section 406 of
the Indian Penal Code.

In the complaint petition, it is alleged that complainant
talked with the petitioner for doing construction work in
partnership and petitioner took money from the complainant as
mentioned in the complaint petition for registration of the
partnership. One construction of Samudaik Bhagwan
Makhdumpur was done by the petitioner and it is alleged that
out of sanctioned amount of Rs. 6,99,300/- a sum of Rs.



1,64,080/- was credited in the joint account of the petitioner and the complainant. The remaining amount has been credited in the personal account of the petitioner. The complainant made request with petitioner to give his share of the amount but he refused.

Learned counsel for the petitioner submits that he has paid the amount to the complainant and he has annexed Annexure-2 in support of the receipt of the amount by the complainant. Learned counsel for the complainant has denied the genuineness of the aforesaid receipt. In view of such, this is purely a money dispute for which civil remedy is available to the complainant.

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. 741 of 2015, 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 Sub Judge-IV, Jehanabad, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner 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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