

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28247 of 2018

Arising Out of PS.Case No. -1322 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. SANJAY KUMAR JHA S/o Bhol Nath Jha, R/o Vill.- Bairia Ektanagar,
P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Prawin Kumar @ Praween Kumar S/o Dwarka Prasad, R/o Vill.- Garib
Asthan Road, Chhata Bazar Road, (Pitambari Jewellers) P.S.- Muzaffarpur,
Town District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari vandana
Mr. Jitendra Narain sinha

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-07-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with
Trial No.727(A) of 2017 arising out of Complaint Case No.1322
of 2014 , registered for offences punishable under Sections 420,
406, 468, 323, 379/34 of the Indian Penal Code.

Allegation against the petitioner is that he has purchased
some ornaments from the shop of the complainant and Rs.24,000/-
was given and Rs.1,05,000/- remained dues with him which he is
not paying now.

Submission of the learned counsel for the petitioner is that
the complainant is running a gang and implicates the innocent



persons, which will appear from the fact that these witness (Dwarika Prasad, Sugghandh Kumar, Ajay Kuamr Pathak and Sanjay Kumar) are also witnesses in the Complaint Case No.10227 of 2014 filed by another person against the petitioner and that clearly shows that there is something fishy in the allegation.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge XIV-cum-Additional Chief Judicial Magistrate XIII, Muzaffarpur in connection with Trial No.727 (A) of 2017 arising out of Complaint Case no.1322 of 2014 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With 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 co-operate in the investigation of the case and make himself available as and when



required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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