

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62738 of 2017

Arising Out of PS.Case No. -968 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Lorik Yadav, S/o Budahi Yadav, R/o Village- Kataiya, P.S.- Lauria,
District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Amlesh Yadav, S/o Satyanarayan Yadav, R/o Village- Kataiya, P.S.-
Lauria, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-04-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint**
Case No. 968-C of 2012 (Tr. No. 536 of 2017) instituted for the
offence under Section 406 of the Indian Penal Code.

There is allegation in the complaint petition that on
9.10.2011, the complainant gave Rs.1,00,000/- to the petitioner on
assurance that money would be invested in contractual work and
the complainant would be given 30% share in the profit. The
complainant made demand of his money in January, 2012, then
petitioner finally denied to pay back the money.

Learned counsel for the petitioner has submitted that
prior to the instant case, petitioner has lodged Complaint Case No.



343-C of 2012 against the present complainant and his father under Sections 379, 420, 406 and 120B of the Indian Penal Code stating that present complainant has stolen Rs.1,00,000/- from the Dickey of Motorcycle of the petitioner. The Xerox copy of the aforesaid complaint has been enclosed as Annexure-2.

From perusal of the instant complaint it appears that no document has been filed in support of the allegation made by the complainant of making payment of Rs.1,00,000/- to the petitioner by the complainant. Moreover, there is civil remedy available to the complainant.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Complaint Case No. 968-C of 2012 (Trial No. 536 of 2017)**, 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 **learned Chief Judicial Magistrate, Bettiah, West Champaran**, 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.

S.Ali/-

(Sanjay Priya, J)

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