

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57119 of 2018

Arising Out of PS. Case No.-746 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Jitendra Kumar, S/o Mehilal Verma, Resident of Mohalla- Sarifganj, Post-
Madhe Mills, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Manoj Kumar Chaudhary, S/o Gauri Chaudhary, Resident of Mohalla-
Rikabganj, Katra Bazar, P.S.- Malsalami, District- Patna.
3. Gauri Chaudhary, S/o not known, Resident of Mohalla- Rikabganj, Katra
Bazar, P.S.- Malsalami, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-11-2018 Petitioner seeks cancellation of bail of Opposite

Parties No. 2 and 3 which was granted to them by order

dated 18.07.2018, passed by the learned Sub-Judge-IV-

cum-A.C.J.M., Patna City in connection with Complaint

Case No. 746 of 2017, in which cognizance has been

taken under Sections 420 and 506 of the Indian Penal

Code.

The petitioner had lodged a complaint that he

had, on demand by Opposite Party No. 2, given to him

an amount of Rs. 30,000/- as an accommodation loan



but the same was never returned. However, the Opposite Party No. 2 has a different version to narrate. He has stated before the court below that a loan amount of Rs. 85,000/- was demanded which was given to him. Later, by way of return of the loan partially, an amount of Rs. 30,000/- was deposited by him in the Bank account of Opposite Party No. 2. When further demand for return of the entire loan was made by Opposite Party No. 2, the present case has been lodged.

Learned counsel for the petitioner has submitted that the document which was relied upon by the Opposite Party No. 2 at the time of grant of bail is not genuine and at the relevant time when the document in question is said to have been executed, the petitioner was student of B.Tech.

Learned counsel for the petitioner has also drawn the attention of this Court to the signature of the petitioner on the document and another document and has stated that such document has been procured for



the purposes of grant of bail.

This Court is afraid, that cannot be a ground for cancellation of bail, already granted to Opposite Parties No. 2 and 3.

There appears to be a disputed claim for the return of the loan amount. It is not known whose version is correct.

Under such circumstances, this Court sees no fault with the order by which bail has been granted to Opposite Parties No. 2 and 3.

For the reasons stated above, there is no merit in this cancellation application. The same is dismissed.

(Ashutosh Kumar, J)

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