

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2869 of 2018

Arising Out of PS.Case No. -1003 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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Suresh Rai, S/o Sri Uday Rai, R/o Mohalla- Keshri Nagar, Near Satya Narayan Singh, Mandir Road of Nala, P.S.- Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mukesh Kumar Singh, S/o Late Tej Narayan Singh, R/o Anamika Kunj, Road No.7, North Patel Nagar, Indrapuri, P.S.- Patliputra, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. 1003(C) of 2017** instituted for the offence under Sections 403, 406, 417 and 418 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that petitioner was supplying milk to the complainant and this case has been filed due to dispute with regard to payment of loan amount which was given to the petitioner by the complainant. To grab the dues amount, the complainant has earlier lodged Complaint Case No. 3768(C) of 2015 against this petitioner.

In the instant case there is allegation that petitioner had taken Rs.2,30,000/- from the complainant on 26.7.2013 with assurance



to return the same within six months with 6% interest. On demand, the petitioner did not return the same to the complainant. As such, vague and general allegation has been levelled against this petitioner in the written report.

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. 1003(C) 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 Additional Chief Judicial Magistrate-XII, Patna**, 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 their 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.

(Sanjay Priya, J)

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