

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12949 of 2018

Arising Out of PS.Case No. -98 Year- 2014 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Shiv Nandan Mahto, S/o Late Bindeshwari Mahto, Resident of Village-
Gopalpur, P.S.- Uda- Kishunganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shankar Bhagat, S/o Late Moti Bhagat, Resident of Village+ P.S.-
Bihariganj, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-08-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with
Complaint Case No.98 of 2014 registered for offences punishable
under Sections 323, 406, 504 and 506 of the Indian Penal Code.

Allegation against the petitioner is that he has taken
Rs.1,53,000/- from the complainant and now he is not returning
the same.

Submission of the learned counsel for the petitioner is that
no agreement is available on the record to show that he has taken
such money.

Heard learned A.P.P. and the learned counsel for the
complainant, who has produced the affidavit of the petitioner



made before the Notary Public stating that the petitioner undertakes that he will return Rs.1,53,000/- which he is not returning now and that shows intention of the petitioner. .

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant anticipatory bail to the petitioner, however, if the petitioner surrenders within six weeks from the date of order and pray for regular bail and ready to pay the amount even in some installments, the learned court below while considering the prayer for regular bail will consider this aspect of the matter and pass appropriate order, if possible on the same day.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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