

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70681 of 2018

Arising Out of PS. Case No.-510 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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Ram Chandra Mahto @ Ram Chandra Singh Son of Late Gajadhar Mahto,
resident of Village- Jamuara Kala, P.S. Roshanganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 406 of the IPC.

The prosecution case as per the complaint is that the petitioner being the uncle of the complainant, took a loan of Rupees Seventeen Lacs from him, with a promise to return it back, but he did not return the same. Thereafter, a legal notice was sent. It is also alleged against the petitioner and two other unknown persons that they came to the house of the complainant, assaulted him and threatened of dire consequences.

It is submitted by learned counsel for the petitioner that the



accusation of taking of loan of Rupees Seventeen Lacs in cash appears to be unreasonable and baseless. The document, if any, to that effect is not a registered one. It is further submitted that there is no cause for the complainant to give loan to the petitioner as the petitioner had purchased a land from the complainant. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that after finding prima facie case, the order of cognizance has been passed.

Considering the accusation arising out of contractual relationship between the parties, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Sherghati, Gaya in connection with Complaint Case No. 510 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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