

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10592 of 2019

Arising Out of PS. Case No.-624 Year-2017 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Arjun Das, S/o Late Ramjee Das, Resident of Village- Dharanpur Bande, P.S.-
Patori, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Kumar, S/o Ramjee Mahto, Resident of Baghi Bardiha, P.S.-
Warisaliganj, District- Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 17-05-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 624 of 2017, registered under Section
406 of the Indian Penal Code.

The accusation is that complainant, Sanjay Kumar
and petitioner had friendly relation and both were doing the job
in the company of Gurgaon. On 15.09.2015 in the evening,
petitioner approached to the complainant-opposite party no. 2 to
give Rs.1,50,000/- for heart operation of his wife, saying that
the money will be returned after three months. Thereafter,
complainant-opposite party no. 2 gave Rs.1,20,000/- to the



petitioner in presence of his parents and wife on 16.09.2015 but after passing over three months, petitioner did not return the aforesaid money. When the complainant-opposite party no. 2 approached the petitioner to make agreement with regard to return the money then on 05.01.2016, petitioner entered into agreement and handed over the original agreement to the complainant-opposite party no.2 but in spite of aforesaid agreement, money was not returned to the complainant-opposite party no.2. Thereafter, Panchayati was arranged but lastly, petitioner refused to give the aforesaid money on 28.05.2017.

Learned counsel for the petitioner submits that complainant-opposite party no. 2 has not taken any money receipt from the petitioner, as alleged in the complaint petition, and on making fake agreement, the present case has been lodged with false allegation. In fact, petitioner approached to the complainant-opposite party no. 2 to take Rs.1,50,000/- for operation of heart of his wife but the money was not paid by the complainant-opposite party no.2 and the petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, 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-VI, Nawada, in connection with Complaint Case No. 624 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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