

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13745 of 2019

Arising Out of PS. Case No.-2279 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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SURENDRA PRASAD SINHA Son of Shyam Krishna Sahay Clerk, Sales Tax Department, Office of the Joint Commissioner. Sadar Aspatal Road, Thana- Nagar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mohan Prasad Yadav Son of Late Mahadeo Rai Resident of Village- Chakiya, Sumera, Police Station- Kurhni (Turki), District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Sinha,Adv.
For the Opposite Party/s : Mr.Rajesh Kumar, APP
For the Opposite party no. 2 : Mr. Nachiketa Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 27-09-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No. 2279/2016, disclosing offences under Section 406 of the Indian Penal Code.

Allegation as per complaint petition is that petitioner approached the complainant and demanded Rs. Two Lakhs from him as a loan and ensure to return the same within one month, on which, the complainant gave him two cheques on 26.07.2016 total of Rs. Two Lakhs and, thereafter, petitioner received the payment of Rs. Two Lakhs against said two cheques but the petitioner as per commitment did not return the aforesaid amount of Rs. Two Lakhs.

It appears that earlier matter was referred to the Mediation Committee for settlement of dispute between the parties,



however, from the Mediator's report, which is at flag - 'N', it appears that mediation has failed.

Submission of learned counsel for the petitioner is that he has returned the amount in question and he has filed a supplementary affidavit annexing the receipt showing payment to complainant, which is annexure -3 of the supplementary affidavit, further submission is petitioner is ready to abide by any condition imposed on him for grant of anticipatory bail.

Heard learned A.P.P. also as well as learned counsel for the complainant, they have opposed the prayer for bail.

Having heard both sides, considering the facts and circumstances, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -XIV, Muzaffarpur, in connection with Complaint Case No. 2279/2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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