

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21747 of 2019
Arising Out of PS. Case No.-716 Year-2015 Thana- PATNA COMPLAINT
CASE District- Patna

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DHARMENDRA KUMAR, aged about 35 years, male, S/o Sri Ram Badan
Ray R/o Mohalla- Jewrakhan Tola, P.O.- Byapur, P.S.- Maner, District- Patna
... .. Petitioner

Versus

1. The State of Bihar
2. Pramod Kumar Singh, aged about 36 years, male, S/o Late Jaganath
Singh Village- Jewrakhan Tola, P.O.- Byapur, P.S.- Maner, District- Patna
... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey, Advocate.
For the Opposite Parties: APP
For the Complainant : Mr. Lakhmindra Kumar Yadav, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 17-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 406, 323 and 504 of the Indian Penal Code
registered in connection with Complaint Case No. 716(c) of 2015.

3. It is submitted that the petitioner has been falsely
implicated on the basis of a complaint-based F.I.R., on the
accusation of having taken money from the informant, out of
which an amount of Rs. 15,36,836/- remains outstanding. There
is no objective material to corroborate the
complainant/informant's claim of having advanced money to the
petitioner in cash or by cheque. It is submitted that in any event
the dispute between the parties is purely of civil nature. The
petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the
informant opposes the anticipatory bail petition.

5. By order dated 09.04.2019, this Court had granted
an opportunity to the complainant/informant to produce proof of



payment of amount to the petitioner through cheque, but no such material has been brought on record. The complainant/informant has pleaded that the counterfoil of the relevant cheque is lost.

6. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Complaint Case No. 716 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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