

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79873 of 2018

Arising Out of PS. Case No.-64 Year-2018 Thana- MAHKAR District- Gaya

Shashi Kumar Son of Kameshwar Paswan, Resident of Village-Mahuari, P.S.-
Mahkar, District-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-01-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Mahkar
P.S. Case No. 64 of 2018 instituted for the offence under
Section(s) 406/409/420/120(B) of the Indian Penal Code.

It is alleged in the written report that informant went
to meet the owner of Sri Sidhi Vinayak Automobile Agency,
Mahuari, namely, Kameshwar Paswan and Shashi Kumar
(petitioner) for purchase of tempo and the said Agency's owner
told the informant that her loan would be sanctioned after
submission of some relevant paper. Thereafter, the informant
deposited all the papers and paid an amount of Rs 80,000/- as
down payment and thereafter the loan amount of Rs. 99,425
was transferred in the account of the Agency from Madhya



Bihar Gramin Bank Mahkar Branch but tempo was not delivered to the informant. Lastly, when the informant demanded her money upon which the said owner gave Rs. 80,000/- and rest amount has been embezzled by the Agency owner.

Learned counsel for the petitioner submits that it is mentioned in para 11 of the bail petition that on 20.12.2016 the said agency and the father of the petitioner also returned Rs. 80,000/- by cash to the informant and further Rs. 76,425 by cheque no. 687278 dated 23.11.2017 of Madhya Bihar Gramin Bank Kurwa, Gaya which has already been encashed by the informant in her favour and as such total amount of Rs. 1,56,425/- has already been paid to the informant by the Agency and father of the petitioner out of Rs. 1,66,425 and only Rs. 10,000/-has been deducted as processing fees of the Agency.

In such circumstances, keeping in view the statement made by the petitioner in para 11 of the bail petition, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Gaya in connection with Mahkar P.S. Case No. 64 of 2018 subject to the condition that both the



bailers shall be the close relative of the petitioner.

(Sanjay Priya, J)

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