

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42896 of 2019**

Arising Out of PS. Case No.-408 Year-2016 Thana- BETTIAH CITY District- West
Champaran

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Suresh Keshan @ Suresh Kumar Keshan, s/o Late Umashankar Prasad
Keshan R/o Moh Sowa Babu Chowk infront of Cenara Bank P.S. Bettiah
Town, Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Jitendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 12-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Tr.
No.577 of 2018 arising out of Bettiah (T) P.S. Case No.408 of
2016 for the offence punishable under Sections 406, 420, 504
506 of the Indian Penal Code.

The allegation against the petitioner is that the
complainant and the informant is the cousin brother of the
petitioner and gave Rs.38 lakhs on different dates to the
petitioners for the purpose of business between the year 2012
January to December 2014. It has further been alleged that the
petitioner did not return the money and after great persuasion
petitioner executed a paper and gave assurance to return the



money on 31.05.2015 but till date money has not been returned.

Learned counsel for the petitioner submits that upon perusal of the First Information Report and complaint, it would be evident that no criminal offence under Section 406, 420 is made out against the petitioner and at best the dispute between the petitioners and the complainant constitute a civil dispute. Learned counsel further submits that the informant has filed Eviction Suit bearing No.04 of 2016 before the lower Court of Munsif, Bettiah for evicting the petitioner from the shop in which the petitioner is running his business.

Learned counsel for the petitioner further submits that the police after investigation has submitted final form not sending the petitioner for trial which has been annexed as Annexure '2' to this application. Learned counsel further submits that the learned Magistrate has differed with the police report and has taken cognizance against the petitioner under Section 406, 420, 504, 506 IPC against the petitioner

Learned counsel for the informant on the other hand submits that petitioner has taken a huge amount from the complainant / informant and despite giving assurance, he did not return the money to him and thus has committed an offence under the Indian Penal Code as alleged against him.



After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the petitioner and informant both are cousin brothers and there appears to be a dispute regarding settlement of loan amount between the informant and petitioner, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., West Champaran at Bettiah, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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