

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.66172 of 2018**

Arising Out of PS. Case No.-786 Year-2017 Thana- PATNA COMPLAINT  
CASE District- Patna

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Santosh Kumar Son of Ramji Rai Resident of Village-Nathupur Paithani  
(Narainchak),P.S. Beur, Distt.-Patna

... .. Petitioner

Versus

1. State Of Bihar
2. Santal Yadav @ Sant Lal Ray Son of Ram Prasad Ray Resident of Village-Nathupur,Paithani,P.O. + P.S. Beur, Distt.-Patna

... .. Opposite Parties

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**Appearance :**

|                    |   |                                                   |
|--------------------|---|---------------------------------------------------|
| For the Petitioner | : | Mr. Madhav Jha<br>Mr. Bimal Kumar Jha, Advocates. |
| For the O.P. No. 2 | : | Mr. Rakesh Kumar Sharma, Advocate.                |
| For the State      | : | APP                                               |

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

3      22-02-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest for the offences  
alleged under Section 420 of the Indian Penal Code registered in  
connection with Complaint Case No. 786 of 2017.

3. It is submitted that the petitioner has been falsely  
implicated and the petitioner is nephew of the complainant. It is  
not in dispute that the amount of Rs. 7,00,000/- was taken by the  
petitioner for construction of house and there is no whisper in  
the complaint that the amount was induced to be given to him  
with the intention of not returning the same. It is submitted that  
from the complaint itself it is apparent that the same has been  
filed in retaliation to the earlier Beur P.S. Case No. 285 of 2016  
filed by the petitioner in which the complainant has also been  
made accused. It is further submitted that the transaction is at  
best of civil nature.

4. Learned counsel for the complainant appears and



opposes the anticipatory bail petition. A counter affidavit has been filed in which it is stated that the amount has been paid to the petitioner out of bank withdrawal and the petitioner is trying to grab the money by not making repayment.

5. 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 Judicial Magistrate 1<sup>st</sup> Class, Patna in connection with Complaint Case No. 786 of 2017, 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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