

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13584 of 2018

Arising Out of PS. Case No.-1181 Year-2016 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Jitendra Kumar, Son of Ramakant Rai, Resident of village Pachrukhi, P.S.
Samastipur Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gariban Mahto, Son of Late Jagdeo Mahato, R/o Village Pachrukhi, P.S.-
Samastipur Muffasil, District Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Vidyarthi
For the Opposite Party/s : Mr.Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 420 of the Indian Penal Code.

The prosecution case as per the complainant is that the petitioner being the co-villager of the complainant claimed himself to be an agent of a non-banking company and persuaded the complainant to make investment in the said company and promised that the company will return Rs. 23,600/- and when the complainant deposited Rs. 500/- per month for three years continuous and when he demanded the money back, the petitioner denied to give the money.



It is submitted by learned counsel for the petitioner that the petitioner was simply a collecting agent of the said company and the money was deposited in the financial company. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. However, the learned counsel for the petitioner submits that the petitioner is ready to return Rs.18,000/-, i.e., the principal amount to the complainant.

Learned counsel for the complainant submits that basically the petitioner has cheated the complainant but he is ready to accept the offer of the petitioner.

Considering the present stand of the parties and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Samastipur in connection with Complaint Case No. 1181 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond will be accepted by the learned Court below on deposit of Rs.18,000/- through the bank draft, the said



draft will be released in favour of the complainant by the
learned Court below.

(Dinesh Kumar Singh, J)

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