

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52584 of 2019

Arising Out of PS. Case No.-445 Year-2015 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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SADHU SHARAN Son of Late Mauje Mandal Resident of Village -
Kodarkatta, P.S.- Basopatti, District- Madhubani

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kanahiya Kumar Jha Son of Late Baleshwar Jha Resident of Village -
Pandaul, P.S.- Pandaul, District- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2019 The petitioner apprehends his arrest in connection with

C.R.Case No. 445 of 2015 in which cognizance has been taken

under Section 406 of Indian Penal Code.

Allegation against the petitioner, as per complaint, is that
petitioner had demanded a sum of Rs. 2 lacs from the
complainant in the year 2012 with promise to return the same
within 60 days but despite lapse of a considerable period, the
amount of Rs. 2 lacs has not been returned to the complainant. It
has further been alleged that petitioner had also assured that if
he fails to return the amount, he would execute a sale deed of
two kathas of homestead land.

Learned counsel for the petitioner submits that petitioner
has falsely been implicated in this case with mala fide



complaint. He submits that even if the allegation made in complaint is taken on face value, no offence is made out against the petitioner as it is a case of civil dispute of money transaction and further breach of agreement cannot be taken as a criminal breach of trust.

After having heard learned counsel for the parties and taking into consideration the fact that complainant had given money to the petitioner by way of loan which has allegedly not been returned by the petitioner and the dispute relates to money transaction between the parties as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhubani in connection with C.R.Case No. 445 of 2015; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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