

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53649 of 2019

Arising Out of PS. Case No.-1971 Year-2016 Thana- SIWAN COMPLAINT CASE District-
Siwan

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JHULAN CHAUDHARY @ BHULAN CHAUDHARY Son of Late Ramchandra Chaudhary Resident of Village- Lakhraon, Police Station- Siwan Muffasil, District- Siwan, at present Dimna Basti Navin Colony near Rani Bhawan, P.O. and Police Station- Mango, District- Singhbhoom Jamshedpur (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Yadav Son of Shiv Kundal Prasad Resident of Village and P.O.- Sersar, Police Station- Siwan Muffasil, District- Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Tiwary
For the Complainant		Mr. Bijay Prakash Singh
		Mr. Shailendra Kr. Diwedi
For the State	:	Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 420 and 504 of the Indian Penal Code in connection with Trial No. 169 of 2019 arising out of Complainant Case No. 1971 of 2016.

3. It is submitted that the petitioner has been falsely implicated and there is no material to establish that any payment has been made by the complainant much less to the extent of Rs. 2,45,000/-, as claimed. The detail of the bank account in which



such payment is alleged to have been made by the complainant has also not been stated nor any acknowledgment of the receipt by the petitioner has been produced. The petitioner claims clean antecedents.

4. Learned counsel for the complainant invites reference to the copy of the passbook of the petitioner (Annexure-2) which discloses a cash deposit self of Rs. 45,000/- on 24.02.2012.

5. Be that as it may and considering that there is nothing to indicate that the deposit of Rs. 45,000/- in the bank account of the petitioner on 24.02.2012 has been made by the complainant nor any money receipt in support of the claim of payment of Rs. 2,45,000/- to the complainant having been brought on record, in the event of petitioner's arrest or surrender before 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 the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII-Siwan in connection with Trial No. 169 of 2019 arising out of Complainant Case No. 1971 of 2016, 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) 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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