

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63846 of 2019

Arising Out of PS. Case No.-218 Year-2019 Thana- TEKARI District- Gaya

DILIP KUMAR Son of Late Abhimanyu Sharma Resident of Village - Bhorī,
P.S.- Tekari, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 406, 504 and 506 of the Indian Penal Code, registered in connection with Tekari P.S.Case No.218 of 2019.

3. It is submitted that the petitioner has been falsely implicated on the accusation of having taken loan of Rs.40,000/- for meeting the expenses in a case, but committed default in payment thereof within the stipulated two months. It is submitted that on the face of it, the ingredients of the offences under Section 406 IPC are not attracted as the transaction between the parties is at best of civil nature involving failure to refund the loan. The petitioner claims clean antecedents.



4. Learned APP, assisted by the learned counsel for the informant, appears and has been heard.

5. Learned counsel for the informant makes a statement at the Bar that the petitioner is accused in two prior case, namely, Tekari P.S.Case No. 212 of 2007 and Complaint Case No. 516 of 2008, which has, however, been suppressed in paragraph 3 of the petition.

6. Be that as it may, in the event of petitioner's arrest or surrender within four weeks hereof, let the above named petitioner be released on provisional 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-VI, Gaya in connection with Tekari P.S.Case No. 218 of 2019, 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 co-operate 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.

7. The provisional bail granted to the petitioner shall be confirmed by the learned court below upon verification within a further period of four weeks after furnishing bail bond that the petitioner is not accused in Tekari P.S.Case No. 212 of 2007 and Complaint Case No. 516 of 2008 or has been acquitted in the said cases, conversely, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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