

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54385 of 2018

Arising Out of PS. Case No.-51 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Chande Paswan @ Chandeshwar Paswan, Son of Bale Paswan, Resident of
Village - Akaur, P.S. Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Laxmi Devi, Wife of Jay Kumar Jha, Resident of Village - Akaur, P.S.
Benipatti, District - Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Ranjan Sinha, Adv.

For the Opposite Party/s : Mr. Sri Tapeswar Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a complaint case,
wherein process has been directed to be issued after cognizance
being taken for the offences punishable under Sections 406,504
of the Indian Penal Code.

The prosecution case is that on 19.11.2016, the
complainant gave Rs.9,000/- to the petitioner for deposit in the
bank account of the complainant and thereafter a deposit receipt
was also given to the complainant. Subsequently, on 18.01.2018,
the complainant came to know that the money was actually not
deposited in his bank account and a forged deposit receipt was
given to him by the petitioner.



It is submitted by learned counsel for the petitioner that for a petty dispute, the accusation has been levelled against the petitioner. Moreover, for the occurrence of 19.11.2016, the complaint was filed on 08.02.2018. It is further submitted that there is no proof with regard to entrustment of money to the petitioner. Moreover, one of the enquiry witnesses, Pratap Jha has alleged that the money was actually given to one Ashok Jha, who provided complainant the forged receipt. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the complainant that the learned Magistrate after finding the case prima facie true, directed for issuance of process after cognizance being taken against the petitioner.

Considering the aforesaid facts and inconsistency between the accusation levelled by the complainant in complaint petition and statement of the enquiry witness, coupled with statement made in paragraph no.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 12 weeks from today, on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Benipatti, Madhubani, in connection with Complaint Case No. 51/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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