

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79274 of 2019

Arising Out of PS. Case No.-1525 Year-2018 Thana- COMPLAINT CASE District- Jamui

Sharwan Kumar @ Shravan Yadav Son of Late Ram Swarup Yadav Resident
of Village- Sanpo, P.S.- Chandradeep, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raghunandan Yadav Son of Rajendra Yadav Resident of Village-
Pachmahua, P.S.- Sikandra, District- Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bharat Lal
For the Opposite Party/s : Mr. Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 420 and 506 of the Indian Penal Code.

Complainant had advanced Rs.4,00000/- in cash to the petitioner for treatment of the wife of the petitioner. Petitioner had executed a paper in support of the loan and had agreed to return the money within the referred time but the petitioner did not return. Rather on demand by the complainant, the petitioner abused.

Submission is that both sides are agnates and for other trivial dispute relating to property, false allegation has been levelled which is unbelievable that such a huge amount was paid in cash. Even if allegation is assumed to be correct, the



dishonest and fraudulent intention of the petitioner at the time of entering into transaction is not made out as the petitioner has already executed a document in support of the alleged loan amount of the money which is recoverable in a civil proceeding if other facts are proved.

Learned counsel for the complainant opposed the prayer for bail.

Considering the aforesaid fact, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender in the court below within a period of thirty days from the date of receipt of the order, on furnishing bail bond of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Sri Manish Kumar Pandey, Judicial Magistrate, Ist Class, Jamui in connection with Complaint Case No.1525C of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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