

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25416 of 2020

Arising Out of Case No.-2038 (C) Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Ravi Kumar, aged about 45 years, (Male), son of Late Lal Babu Prasad, resident of Mohalla- Lal Bazar, Nagar Power House Pump P.S.- Bettiah Town, District- West Champaran. Presently, C/O Renu Devi (MLA) BJP Awas No.-11, Daroga Rai Path, Purani Hartalimore, Chauraha, P.S.- Sachiwalaya, District- Patna

..... Petitioner/s

Versus

1. The State of Bihar
2. Krishna Kumar, aged about 41 years, Son of Late Dr. Lal Babu, Permanent resident and P.O. Hasanpura, P.S. and District- Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Singh, Advocate
For the State	:	Mr. Nand Kumar, APP
For the O.P. No. 2	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-12-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Mukesh Kumar Singh, learned counsel for the petitioner; Mr. Nand Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Sanjay Kumar, learned counsel for the opposite party no. 2, who has appeared pursuant to notice being issued.

3. The petitioner apprehends arrest in connection with Complaint Case No. 2038(C) of 2015 dated 01.06.2015,



instituted under Sections 406, 323, 504, 506/34 of the Indian Penal Code.

4. The allegation against the petitioner and another co-accused is that they had taken rupees five lacs as loan from the complainant and promised to return within one year, but despite repeated request the same was not returned and thereafter an undertaking was also given by the accused and when the complainant had gone to the residence of the other co-accused, they had refused to give the money and had assaulted him and had also torn away the undertaking, which was earlier signed by the accused.

5. Learned counsel for the petitioner submitted that the complaint case is totally erroneous. It was submitted that though in the complaint it is written that the parties knew each other from 2009, but the co-accused in the present case is the own paternal aunt of the complainant and the petitioner is his uncle and rupees five lacs, which was given by the complainant, was in lieu of a family arrangement. However, without getting into any controversy on the issue, learned counsel took a categorical stand that as it is a family matter, he is ready to return rupees five lacs to the accused, but prayed that because of his conduct, the same should be through the process of the Court so that



tomorrow a controversy is not raised that the petitioner had not returned the money.

6. At this juncture, learned counsel for the opposite party no. 2, when called upon to take a stand, submitted that the petitioner has harassed him with regard to return of money which has not been done till date, but for putting a lid on this family dispute, he is agreeable to the proposal of the petitioner.

7. Learned APP also submitted that the Court may facilitate the matter to be settled between the parties which is basically a dispute in the family.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM/Sub-Judge-IX, Patna in Complaint Case No. 2038 (C) of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. One of the bailors shall be a close relative of the petitioner. Further, that at the time of furnishing of bail bonds a Demand Draft of rupees five lakhs in favour of the opposite party no. 2 shall be



submitted to the Court. The said Demand Draft shall be kept with the Court and the opposite party no. 2 shall be at liberty to appear before the Court below and receive the same which would be recorded by the Court in its order.

9. The application stands disposed off in the aforementioned terms.

10. The Court would indicate that since the petitioner is paying the amount which is said to have been taken from the opposite party no. 2 and learned counsel for the opposite party no. 2 has also expressed his desire that the matter being a family affair should now be closed, it is expected that he would file an application before the Court below that the matter has been comprised and he does not want to pursue the same. Upon doing so, the Court concerned shall record the statement of the complainant and pass appropriate orders.

(Ahsanuddin Amanullah, J)

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