

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.61898 of 2019**

Arising Out of PS. Case No.-1263 Year-2016 Thana- NALANDA COMPLAINT CASE  
District- Nalanda

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Rajan Kumar Son of Late Yogendra Prasad Resident of Mohalla Mogalkuan,  
P.S.- Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar, Advocate  
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

4      27-02-2020                      Heard learned counsel for the petitioner, learned  
counsel for the opposite party no. 2 and learned APP for the  
State.

The instant application for anticipatory bail has been  
filed by the petitioner apprehending his arrest in connection  
with Complaint Case no. 1263C of 2016 registered for offence  
punishable under sections 323, 406, 420, 504 and 34 of the  
Indian Penal Code.

As per the allegation in the complaint, a sum of Rs.  
1,66,000/- was given by way of loan on 28.12.2014 by the  
complainant to the petitioner and subsequently on 20.8.2015 a  
further sum of Rs. 20,000/- was given. It is stated that the



petitioner is not returning the aforesaid amount and as such the instant case.

It is submitted by learned counsel for the petitioner that after enquiry cognizance was taken only under section 406 of the Indian Penal Code. It is further submitted that an agreement as contained in Annexure 2 to the petition was also entered into between the petitioner and the opposite party no. 2 wherein the mode of recovery in case of default has been given. It is thus, submitted that in view of Annexure 2, the instant complaint case should not have been filed.

The application for bail has been opposed by learned counsel for the opposite party no. 2 who submits that clear case punishable under section 406 of the Indian Penal Code is made out against the petitioner and it is not a fit case for grant of anticipatory bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Complaint Case no. 1263C of 2016 he will be enlarged 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 VII, Nalanda at Biharsharif subject to the condition as laid down under section 438(2) of Criminal Procedure Code.

**(Partha Sarthy, J)**

Prakash/-

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