

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76596 of 2019

Arising Out of PS. Case No.-219 Year-2017 Thana- KHAGAUL District- Patna

Binay Kumar S/o Late Chandradeep Sah R/o village- Ajawan, P.S.-
Naubatpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar S/o Indradeo Prasad R/o Mohalla- Jai Ram Bazar, P.S.-
Khagaul, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-02-2020 Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered for the offence punishable under sections 406 and 420 of the Indian Penal Code and section 138 of Negotiable Instrument Act.

The prosecution case, in brief, is that on 30.05.2015 the petitioner along with one Sunil Singh came at house of informant and demanded Rs. 5,00,000/- for business purpose on assurance of return within a period of six months. The informant paid the amount of Rs. 1,50,000/-, through cheque Rs. 1,00,000/- and rest of the amount by cash. It has further been alleged that on the request of present petitioner, namely, Binay



Kumar and Sunil Kumar, the informant paid further Rs. 2,00,000/- to one Satya Nand Pathak for which the petitioner has signed on the written acceptance paper as a witness.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. He further submits that there is only allegation against the petitioner is that in his presence Rs. 2,00,000/- was paid. He further submits that nothing either any cheque or cash has given to the petitioner by the informant.

Learned counsel for the opposite party no.2 vehemently opposes the prayer for bail of the petitioner and submits that the petitioner is in habit of cheating money and he has cheated so many persons.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioner 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 the learned Additional Chief Judicial Magistrate-V, Danapur, Patna in connection with Khagaul P.S. Case No. 219 of 2017, on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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