

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77060 of 2019

Arising Out of PS. Case No.-362 Year-2019 Thana- NAUTAN District- West Champaran

SHAMBHUNATH PRASAD KUSHWAHA @ SHAMBHUNATH PRASAD
Son of Late Nathuni Prasad Kushwaha Resident of Village- Pandey Tola, P.S.-
Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Nautan P.S. Case No. 362 of 2019 for the offence registered under
Sections 420, 406, 384, 506/34 of the Indian Penal Code.

The allegation is regarding a committee of 25 persons
having been constituted by the petitioner and his two sons,
whereafter the members were enticed to deposit money on the
promise of being granted dividends and when the informant had
deposited a sum of Rs. Five lakhs, the committee was dissolved
and upon demand, the accused persons refused to give back the
money and on the contrary they are said to have threatened the
informant with dire consequences.

The learned counsel for the petitioner has submitted that
the petitioner has been falsely implicated in the present case. It is



further submitted that the petitioner is an accused in one other case but he is on bail in the said case. It is also submitted that the petitioner is languishing in custody since 15.09.2019. Lastly, it is submitted that even if all the allegations are believed to be prima facie true on its face value, the same constitutes a civil dispute and it is for the petitioner to approach the competent court of civil jurisdiction.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and considering the period of incarceration of the petitioner herein as also the nature of accusation, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Nautan P.S. Case No. 362 of 2019.

S.Sb/-

(Mohit Kumar Shah, J)

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