

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87275 of 2019

Arising Out of PS. Case No.-235 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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NAND KISHORE PRASAD @ NAND KISHOR KUMAR, S/o Hira Sah
Manager Jagat Radha Motors Pvt. Ltd Branch Bettiah. R/o village- Mansa
Tola, Bettiah, Motihari Road Near, P.S.- Bettiah Muffasil, District- West
Champaran, Permanent R/o- Ward No. 01, Dumri, P.S.- Yogapatti, District-
West Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Md. Farukh, S/o Sheikh Ahmad R/o village- Dhobani, P.S.- Santhi, District-
West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma
For the Opposite Party/s : Mr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 02-11-2020 Heard Mr. Naffisul Zoha, learned counsel for

the petitioner and Mr. Vimlesh Kumar Pandey, learned

counsel for the complainant.

The State is represented by Mr. Ravindra

Kumar, learned APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 235 C of

2018 dated 17.02.2018 in which cognizance has been

taken under Sections 420, 4677, 468 and 471 of the

Indian Penal Code.



It appears from the complaint petition that some amount was paid to the petitioner for managing loan for the purchase of a bus. The make of the bus appeared to be different and therefore the complainant refused to take delivery of the same.

The learned counsel for the petitioner submits that if at all the allegation is accepted to be true, the petitioner is only a middle-man and is neither the financier nor is an employee of the Bank.

The agreement with the petitioner of the Bank has been cancelled and the complainant has also been provided with a no-objection-certificate.

Mr. Vimlesh Kumar Pandey, learned counsel for the complainant, however, on the other hand, submits that it does not settle the dispute with the petitioner. The petitioner still is in possession of Rs. 1,26,000/- and if he returns the same to the complainant, in fact, the entire case would be dropped.

In any view of the matter, considering the



nature of accusation against the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Complaint Case No. 235 C of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

It would be open for the parties to sit across the table and have the matter resolved. In that event, the parties would not have to incur any further expenses on litigation.

(Ashutosh Kumar, J)

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