

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84487 of 2019

Arising Out of PS. Case No.-162 Year-2014 Thana- BAKHTIYARPUR District- Patna

ASHISH KUMAR Son of Late Nand Kishore Sharma @ Nandkishore Sharma @ Nand Kishore Prasad @ Nandkishore Prasad Resident of Village - Bakhtiyarpur East Tola (Purwari Tola), P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Niraj Kumar Singh @ Niraj Kumar Son of Late Om Narayan Singh, Resident of Village - Mahamadpur, P.O.- Sabnima, P.S.- Bakhtiyarpur, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No 13, Adv.
For the State	:	Mr.Rana Randhir Singh, APP
For O.P. No.2	:	Mr. Shailendra Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 26-08-2020 Heard Mr. Manish Kumar No.13 for the petitioner, Mr. Rana Randhir Singh, learned A.P.P. and Mr. Shailendra Kumar Jha, learned counsel for opposite party no.2 through Video Conferencing.

The petitioner apprehends his arrest in Bakhtiyarpur P.S. Case No.162 of 2014 registered under Sections 420, 406 and 409 of the Indian Penal Code.

The informant (opposite party no.2) alleged in his complaint petition bearing Complaint Case No.478C of 2014 that the petitioner received Rs.2,60,000/- from his own account and altogether Rs.15 lacs in the account of different persons on the assurance of providing job to the younger brother of the



informant.

Learned counsel for the petitioner submits that the informant himself sworn affidavit that the petitioner and the informant were on lending and borrowing terms and the petitioner has already paid the entire amount to the informant. It is further submitted that the informant has not disclosed about the deposit of amount in the account of other persons acquainted with the petitioner. The dispute is of civil nature and once it is admitted that the petitioner and the informant are on lending and borrowing terms and if there is any dispute, the informant may recovery the amount by filing civil suit.

Learned counsel for the informant as well as learned A.P.P. opposed the prayer for bail and submitted that the petitioner has not returned the amount.

Having considered the facts and the nature of allegations made against the petitioner and the fact that the informant himself has sworn affidavit that the petitioner and the informant were on lending and borrowing terms and the petitioner has already returned the entire amount borrowed by him, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this



order, is directed to 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 A.C.J.M. I, Barh, Patna in connection with Bakhtiyarpur P.S. Case No.162 of 2014, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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