

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17333 of 2020

Arising Out of PS. Case No.-44 Year-2018 Thana- CHIKSAUR District- Nalanda

GUDDU RAM @ RAJESH KUMAR S/O Sri Masudan Ram Resident of
Mohalla- Mahmadpur (Jogipur), P.S. - Chiksaura, District - Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. Manoj Kumar S/O Saryug Pandit R/O Village - Mahamadpur (Jogipur), P.S.
- Chiksaura(Hilsa), Distt. - Nalanda. At present resident at Village -
Sakrodha, P.S. Nagarnausa, District - Nalanda.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Sinha, Advocate
For the State	:	Mr.Sanjay Kumar Pandey, APP
For the Informant	:	Mr. Ravindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 11-01-2021 Heard learned counsel for the petitioner and Mr.
Sanjay Kumar Pandey, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Chiksaura P.S. Case No. 44 of 2018 registered for the offences punishable under Sections 420/406/323/504/506/120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that in the First Information Report there is an allegation that the informant had provided a sum of Rs. Two lakhs by way of help to the present petitioner when both of them were residing at Delhi. The allegation is that the petitioner is not returning the said amount to the informant and even though the informant served a notice upon him the petitioner did not respond.



Further allegation is that when the informant went to the house of the petitioner, he was abused and assaulted by hand and fist.

Learned counsel submits that in course of investigation neither any witness has come to support the allegation saying that the alleged amount was given in his presence nor any documentary evidence has been collected by the Investigating Officer to even prima-facie believe that the petitioner had taken a sum of Rs. Two lakhs from the informant. In this connection the observations coming in paragraph '18' of the case diary in course of supervision referred to.

Learned counsel further submits that the allegation of giving hand and fist blow has been inserted ornamentally just to confer a jurisdiction upon the learned court in the State of Bihar and it is nothing but a kind of superimposition.

Mr. Ravindra Kumar, learned counsel for the informant has opposed the prayer for pre-arrest bail as according to him the petitioner had obtained a sum of Rs. Two lakhs which was in the nature of a friendly loan to the petitioner which he had promised to return but the same is not yet returned to the informant. It is his submission that though there is no witness coming in course of investigation to support the



allegation, at this stage he has got a handwritten acknowledgment of the petitioner which was given by him in presence of police when he was brought to the police station at Delhi. Learned counsel however is unable to demonstrate that at Delhi there was any case registered against this petitioner at his instance. Learned counsel for the informant however admits that this case has been registered in the State of Bihar and no case was registered at Delhi.

Learned A.P.P. for the State has also opposed the prayer for pre-arrest bail of the petitioner.

Considering the facts and circumstances of the case, wherein in course of investigation neither any witness has come forward to say that the alleged amount was given in his presence nor the informant had produced any written document or had lodged any case at Delhi and in course of investigation of the present case also no documentary evidence has come to support the allegation, in the nature of the dispute between the parties, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Chiksaura P.S. Case No. 44 of 2018 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the



satisfaction of learned A.C.J.M. - 1st, Hilsa, Nalanda, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

