

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34519 of 2020

Arising Out of PS Case No.-419 Year-2019 Thana- GOPALPUR District- Bhagalpur

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Sikandar Das, aged about 61 years, Male, Son of Yogendra Das, Resident of
Village - Bhim Das Tola, PS Gopalpur, Rangra (OP), District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Karu Shah, Aged about 76 years, Male, Son of Jagdish Shah, Resident of
Village - Bhim Das Tola, Tintanga PS - Rangra, District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate
For the State : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 26-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Nachiketa Jha, learned counsel for the
petitioner and Mr. Umanath Mishra, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with
Gopalpur (Rangra) PS Case No. 419 of 2019 dated 16.12.2019,
instituted under Sections 420, 120B, 467, 468, 323 and 506 of the
Indian Penal Code.



4. The allegation against the petitioner and another person is that they had induced the informant to invest money in their Bank and he had deposited Rs. 16,880/- on 15.06.2005 and had also withdrawn Rs. 3,000/- on 15.08.2005 and it is alleged that the accused had promised to double the money after two years but when he went to get the money, he was asked to leave the money for another two years but even after that the accused are said to have made excuses and on 30.03.2019, when the informant went to demand his money, they denied to give the money and also threatened to kill him.

5. Learned counsel for the petitioner submitted that in the complaint/FIR itself it is written that the petitioner also went with co-accused Ram Prit Bhagat, who was the Manager of the Bank. It was submitted that the petitioner has no concern with such Bank and that the allegation is totally frivolous as it cannot be believed that somebody whose money has been kept in the year 2005 would wait till 2019 to get it back. It was submitted that the informant had taken Urad worth Rs. 81,000/- from the petitioner and the payment was not being made for which the petitioner has lodged Gopalpur (Rangra) PS Case No. 48 of 2008 on 03.03.2008. Learned counsel submitted that the matter has finally been compromised between the parties and the informant has also filed



the compromise in the Court below on 26.04.2019, copy of which is Annexure-2 to the present application.

6. Learned APP submitted that as per the allegation, the petitioner and the other accused had cheated the informant of his money.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, 3rd Naugachia, Bhagalpur in Gopalpur (Rangra) PS Case No. 419 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall co-operate with the Court. Failure to do so shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.



9. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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