

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36191 of 2020

Arising Out of PS. Case No.-48 Year-2020 Thana- KHODAWANDPUR District- Begusarai

Deep Narayan Yadav S/o Gholat Yadav R/o Village- Khaira, P.S.- Cheria
Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar, Advocate

For the Opposite Party/s : Mr.Pancha Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 22-02-2021 Heard learned counsel for the petitioner and learned

APP for the State. Learned counsel for the petitioner has filed an undertaking to remove all the defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner is are in custody since 10.08.2020 in connection with Khodawanpur (Chhaurahi O.P.) P.S.Case No. 48 of 2020 for the alleged offences under Sections 364, 386 and 506/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of dispute relating to purchase of a truck. The dispute was finally taken to the Panchayat Samiti and was resolved in terms of an agreement dated 26.05.2020



(Annexure-2), whereunder, *inter alia*, the informant was required to repay to the petitioner the loan of Rs. 6,00,000/-. It is submitted that such amount has been subsequently repaid by the informant by cheque no. 000056 85124010300428031. Even prior to the present case the informant had lodged an FIR in Kodawanpur (Chhaurahi O.P.) P.S. Case No. 07 of 2020 alleging theft of the truck. The informant has suppressed the crucial fact that the petitioner is his brother-in-law. The allegation of kidnapping of the informant is also improbable inasmuch as Khaira village where he claims to have been locked up, happens to be his sasural. From the impugned order it does not appear that the informant had named the petitioner in the statement recorded under Section 164 Cr. P.C. Besides the aforesaid Kodawanpur (Chhaurahi O.P.) P.S. Case No. 07 of 2020 lodged by the same informant, the petitioner claims clean antecedents.

4. Learned APP appears and has been heard.

5. Be that as it may and having regard to the period of custody already suffered since 10.08.2020, let the petitioner above named 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 S.D.J.M., Manjhaul, Begusarai in connection with Khodawanpur (Chhaurahi O.P.)



P.S. Case No. 48 of 2020, if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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