

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35701 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- CHAKIA District- East Champaran

Hem Narayan Prasad @ Heam Narayan Prasad Son of Kailash Bhagat @
Kailash Prasad Resident of Village - Professor Colony, P.S. - Chakiya, District
- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chakiya P.S. Case No. 58 of 2022 lodged under Sections 409,
504, 506 and 34 of the I.P.C.

As per the allegation made in the F.I.R., the informant
submits that 3 persons including the petitioner has taken money
in the name of business and subsequently, they have not started
the business and offered to start business at Delhi and
subsequently, neither returned the money nor ready to provide
the land in lieu thereof.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel categorically submits that it is the transaction of private individual, therefore, Section 409 is not made out. He further submits that even if the other Sections 504 or 506 shall be added, the maximum punishment is 2 years. Counsel submits that petitioner is in custody since 14.02.2022 that is near about 9 months. Counsel also submits that the antecedent of the petitioner is clean.

Counsel further submits that with a view to assert in the truth, he has been permitted to file supplementary affidavit. Upon permission, he has filed supplementary affidavit and informatory was also filed in which the entire story which has been drafted prior to filing of the present case in which the transaction of money took place has been narrated.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for the bail and submits that about Rs. 20 lacs money has been grabbed by the accused persons and this money may be directed to be returned.

In the present facts and circumstances of this case and

the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class Sadar, Motihari (East Champaran) in connection with Chakiya P.S. Case No. 58 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

Both the parties are hereby directed to place themselves before the mediation centre of Motihari and within 90 days, they may reach on a conclusion to resolve the dispute permanently.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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