

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43067 of 2022

Arising Out of PS. Case No.-105 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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Rakesh Kumar S/O Late Ambika Singh Resident of village- S.B.I Colony
P.S.- Danapur, P.o- Digha District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramjeet Prasad S/O Late Rama Rai Resident of village- Yaduvanshi Nagar,
South of Civil Court, Nasriganj, P.S.- Danapur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms.Shilpi Keshri, Advocate
For the State	:	Mr.Akhileshwar Dayal, APP
For the Complainant	:	Mr. Dhananjay Kumar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-12-2022 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the complainant through

video conferencing.

In the present case, the petitioner seeks bail in connec-
tion with Complaint Case No. 105(C) of 2020 registered for the
alleged offences under Sections 420 and 34 of the Indian Penal
Code.

As per prosecution case, the complainant gave Rs. 38
lacs in cash to the petitioner to help him in setting his business.
The petitioner has assured the complainant that he would return
the money within 11 months. However, later on the petitioner
did not return the money and the complainant alleged that he



was cheated of his money.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case by the complainant who is a veteran money lender. The complainant took the petitioner in his confidence and subsequently the petitioner started taking loans from the complainant since the year 2013 and on saying of the complainant he signed several blank cheques in his name. Whatever amount was taken as loan by the petitioner, the same was returned with the interest at the rate of 7% through account transfer or through cash and this fact is evident from the bank statement of the petitioner. The petitioner never took any loan of Rs. 38 lacs from the complainant but the complainant started demanding the sum of Rs. 38 lacs from the petitioner and started threatening him with dire consequences. The complainant claims to have paid the petitioner Rs. 38 lacs in cash but he has nowhere mentioned how he came to have such huge amount of cash in his possession and whether it was any legal money. Even if the case of the complainant is taken to be true it is a case related with transaction of money in the form of loan and no case would be made out under Section 420 of I.P.C. as disputed is purely civil in nature. The petitioner is in custody since 28.03.2022 and charge sheet has



been submitted.

Learned APP as well as learned counsel appearing on behalf of the complainant vehemently oppose the prayer for bail made on behalf of the petitioner. Learned counsel for the complainant submits that petitioner has taken a loan of Rs. 38 lacs from the complainant and there has been business transaction between them. In lieu of the loan amount of Rs. 38 lacs, the petitioner has issued seven cheques which were all dishonored.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of transaction between the parties and also considering the period of custody of the petitioner along with the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I, Danapur, Bihar in connection with Complaint Case No. 105(C) of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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