

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55139 of 2021

Arising Out of PS. Case No.-300 Year-2018 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Sujeet Kumar Son of Kedar Prasad R/o Makhdumpur, Digha Gate No.88,
P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate
For the Informant : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Anant Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-02-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and Shri Anant Kumar No.1, learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sadar P.S.
Case No. 300 of 2018 instituted for the offences under Sections
420, 406 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 11.04.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant in the F.I.R. alleges that the petitioner was residing in
his house as a tenant along with his wife and children, further he
developed intimacy and requested for money and on 10.01.2018,
the petitioner took loan of Rs. 5 lakhs in cash, Rs. 90,000/- in his



account from the informant and further the petitioner took Rs. 4,10,000/- on the pretext that his goods worth Rs. 7 lakhs would get stuck. It is further alleged that the petitioner slowly started shifting his goods from his saree shop and on objection by the informant, the petitioner gave cheque worth Rs. 7 lakhs and agreement paper of Rs. 2,50,000/- and assured that money would be returned. Further, one Nagendra Rai called the informant on 21.03.2018 and assured that the money would be returned by 05.04.2018, thereafter from 13.04.2018, he stopped picking the phone of the informant and even abused him on 14.04.2018 and even the cheque bounced on 16.04.2018 and the petitioner threatened that money would not be paid.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the dispute is completely civil in nature and has been given a colour of criminal case by instituting an F.I.R., further if the petitioner had taken money from the informant, then the informant has remedies available in law for recovering that amount. It is further submitted that if the cheque had bounced then the informant has remedy under the N.I. Act. Learned counsel thus submits that the present false case came to be implicated as the informant and the petitioner were known to each other as petitioner was tenant and he was running a business



of saree in which the informant had invested and later when the business failed on account of pandemic, the present false came to be instituted.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner. Learned counsel for the informant submits that the petitioner had taken the amount from the informant and he should be asked to return the said amount but is not able to meet the submission of the learned counsel for the petitioner that the informant has remedy available in law if he intends to recover the amount which is alleged to have been paid to the petitioner.

Considering the fact that the petitioner is in custody since 11.04.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and the allegation *prima-facie* appears to be civil in nature, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur in connection with Sadar P.S. Case No. 300 of 2018.

(Satyavrat Verma, J)

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