

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6466 of 2023

Arising Out of PS. Case No.-147 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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INDRA KANT MISHRA Son of Late Buchani Mishra Resident of Mohalla -
Sankat Mochan Building, In front of Khabra Pani Tanki, Kalam Bag Road,
Muzaffarpur, P.S.- Muzaffarpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Krishna Kant Mishra Son of Shyam Sundar Mishra Resident of Thirhut
Colony, Madhubani, P.S., P.O. and District - Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lal Babu Keshari, Adv.
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 420, 406, 323, 504 and 34 of IPC.

Allegedly, the petitioner took Rs.4,50,000/- as loan from
the complainant for marriage of his daughter and when after
three months, complainant demanded his money back, the
petitioner tried to evade on one pretext or other. Even after
sending legal notice, the petitioner did not return the money.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case. No such occurrence, in



the manner as alleged, has ever taken place. It is submitted that the said money was given to the petitioner as advance for transaction of a land, on the request of the complainant and the said land is now in possession of the complainant. It is further submitted that the complainant has also filed a Money Suit for the recovery of the alleged amount from the petitioner. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since a Money Suit has already been filed, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with C.R. No.147 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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