

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37184 of 2023

Arising Out of PS. Case No.-31 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Hari Om Mishra Son of Surendra Mishra Resident of village - Dayalpur, P.S. -
Dhansoi, P.O. - Gagaura, Distt. - Buxar, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gopal Singh Son of Saburi Singh R/o village and Post - Bishanpur, P.S. -
Bihta, Distt. - Patna, Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rohit Kumar Tripathi, Advocate
For the Opposite Party/s : Ms. Pronoti Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Complaint Case No. 31 of 2021 registered for the offence under
Sections 406 and 420 of the Indian Penal Code.

The accused/petitioner is in custody since 13.09.2022.

The allegation against the petitioner is to cheat
complainant for cash of Rs. 2,00,000/- (Rupees Two Lac only)



received as investment which not alleged to be returned in terms of investment to complainant and as such cheated complainant, where taking note of materials available on record learned Jurisdictional Magistrate took cognizance against petitioner under Section 406, 420, 504 and 506 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submitted that in fact complainant and petitioner were working together in *Gowshala* at Bihta and just for expansion of their business, the investment was made where expected profit was of 10% but due to Covid-19 the expected result of financial growth could not realized, causing present false implication. It is further submitted that transaction of Rs. 2,00,000/- (Rs. Two Lac only) was made through cash and not by check or through bank accounts.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as transaction, as alleged, appears to be made in cash without having any endorsement/acknowledgment, where petitioner is in custody since 13.09.2022, accordingly, above named petitioner is directed to be released on bail in connection with Complaint Case No. 31 of 2021 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1, Danapur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

