

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66414 of 2023

Arising Out of PS. Case No.-767 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Raju Das, Son of Late Sharma Nand Das, R/o Mohalla - Chiraiyatand, Khas Mahal, Road No.3, South Harijan Toli, P.S.- Jakkanpur, District.- Patna
 2. Hira Lal Das, Son of Late Sharma Nand Das, R/o Mohalla - Chiraiyatand, Khas Mahal, Road No. 3, South Harijan Toli, P.S.- Jakkanpur, District.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sacchu Prasad@ Sacchu Saw, S/o Late Chunni Lal, R/o Mohalla- Chiraiyatand, Khas Mahal, Road No. 3, South Harijan Toli, P.S.- Jakkanpur, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Archana Shahi, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, APP
	:	Ms. Lalita Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-10-2023 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the complainant-opposite party no.2.

2. The petitioners have preferred this application for grant of regular bail in connection with Complaint Case no.767 (C) of 2020, in which cognizance was taken under section 420 of the Indian Penal Code.

3. As per the case of the complainant, the petitioners who had taken a sum of Rs.9,68,000/- by way of a friendly loan with the promise that they would return the same and for which



an agreement had also been entered into between the parties, the amount was not returned. Hence, the instant complaint case.

4. It is submitted by learned counsel for the petitioners that after enquiry under section 202, cognizance was taken under section 420 of the Indian Penal Code. No case under section 420 of the Indian Penal Code is made out. As per instructions received, no suit for recovery of the so called money given by way of loan has been filed by the complainant. The petitioners are in custody since 22.7.2023 and have no criminal antecedent.

5. The application for bail is opposed by learned A.P.P for the State and learned counsel for the complainant. It is submitted by learned counsel for the complainant that not only the petitioners are named in the complaint but there is direct allegation against them that they took a loan of Rs.9,68,000/-, an agreement was entered into and the petitioners had promised to return the amount within a period of five years as stated in paragraph no.6 of the complaint. Not having returned the same, a clear case of cheating is made out against these petitioners.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegations against the petitioners in the complaint and the petitioners having remained



in custody since 22.7.2023, both the petitioners are directed to be enlarged on bail in connection with Complaint Case no.767 (C) of 2020, on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Patna.

(Partha Sarthy, J)

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