

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68236 of 2022

Arising Out of PS. Case No.-186 Year-2013 Thana- JAMUI District- Jamui

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Dilip Thakur S/O Sitaram Thakur Resident of village- Chitochak Tola Naua
Tikha, P.S.- Jhajha, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 10-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Jamui P.S. Case No. 186 of 2013 dated 21.07.2013 registered for the offences punishable under Sections 406, 420, 120(B), 467, 468, 341, 323 and 504/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner misappropriated a sum of Rs. 7,50,000/- which was entrusted to him by the informant believing his assurance



that he would deposit the said amount in a government bank but the petitioner did not deposit the amount in the bank rather invested the same in a private company which misappropriated the said amount in collusion with the petitioner. It is further alleged that in Panchayati, this petitioner agreed to repay the said amount but later on he paid only Rs. 40,000/- and refused to pay the outstanding amount and also abused and assaulted her.

The main submissions advanced by petitioner's counsel are that the petitioner has fair and clean antecedent and the allegations made against him in the FIR mainly attract civil wrong for which the petitioner cannot be fastened with criminal liability and the money entrusted to the petitioner by the informant was invested by him in a particular non-banking company which issued a receipt in favour of the informant and the same was handed over to the informant also, which shows bonafide intention of the petitioner, who had no concern with the said company and moreover during the relevant period, several persons became victim of the said company, regarding which the petitioner had no knowledge. Further submission is that as per the FIR, the informant has accepted that she received Rs. 40,000/- out of Rs. 7,50,000/-



which was given by her to the petitioner and accordingly in the present time, a sum of Rs. 7,10,000/- can be deemed to be due on the part of the petitioner if any liability is fixed upon him with regard to the payment of the said amount however, the petitioner is ready to pay the said amount if he is released on bail.

Learned APP appearing for the State has opposed the bail prayer.

Though, against the petitioner there is serious allegation in the FIR but considering the petitioner's willingness to repay Rs. 7,10,000/- to the informant within two months from the date of his release, the interest of justice demands a lenient approach towards his prayer. Accordingly, the petitioner named-above is directed to be released on **bail provisionally** for the period of two months from the date of this order, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Jamui P.S. Case No. 186 of 2013 and during the said provisional bail period, the petitioner shall repay/return the above-mentioned amount to the informant as per his own oral undertaking and if he does not comply with the said undertaking then the learned



trial Court shall take strict action against him by cancelling his bail bond and if the petitioner pays the said amount then the privilege of bail shall be confirmed by the trial Court on the same bail bond.

The above-mentioned payment by the petitioner to the informant will be subject to the outcome of the trial of the petitioner.

(Shailendra Singh, J)

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