

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9582 of 2024

Arising Out of PS. Case No.-8744 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Rahul Kumar S/O Kamleshwari Sah R/O Vill- Sanokhar, P.S- Sanokhar, Dist-
Bhagalpur

... .. Petitioner

Versus

1. The State of Bihar
2. Ravi Kumar S/O Dinesh Kumar R/O Village- Karai, P.S- Naubatpur, Distt.-
Patna, At Present Address 9 To 9 Super Market, Digha Ashiyana Road, P.S-
Rajiv Nagar, Distt.- Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Subhash Kumar Jha, Advocate
For the Opposite Parties : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends arrest in connection
with Complaint Case No. 8744(C) of 2022, dated 21.07.2022
instituted for the offences punishable under Sections 406 and
420 of the Indian Penal Code.

3. The case of prosecution, in short, the complainant
alleges that the petitioner, who used to transact the business of
Computer Network was in urgent need of money to start his
separate business. In this context, the petitioner asked for
money as friendly loan, Rs. 3,50,000/- from the complainant



with assurance to repay the same within four months. Believing upon him, the complainant gave Rs. 3,50,000/- to the petitioner on 03.10.2021. After some time, he came to know that the petitioner did not transact any business and had taken money by cheating. On demand to return the money, the petitioner started giving evasive reply and requested to keep his KTM 200 Duke Motorcycle with documents of ownership as security. On this, the complainant made an agreement in this regard on non-judicial stamp paper.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that from perusal of the complaint, it is evident that opposite party no. 2 had given 3,50,000/- to the petitioner, whereas the fact of the case is that the petitioner had never received any amount as alleged by opposite party no. 2, he was only making a false allegation to grab the labourer charge of the petitioner as the petitioner was working in the office of the complainant and has made his labourer charge as Rs. 31,000/- through banking transaction, hence it is the matter of surprise that as to how opposite party no. 2 has paid Rs. 3,50,000/- as cash to the petitioner. It is further submitted that there is no document with regard to



establishment of payment of alleged amount of Rs. 3,50,000/-.

Further, it is submitted that there is a money dispute between the complainant and the petitioner and the nature of the case is purely of Civil nature. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No. 8744(C) of 2022, he shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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