

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14251 of 2024

Arising Out of PS. Case No.-554 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Kamlesh Kumar S/O Parmeshwar Singh @ Parmeshwar Sao Mohalla-
Dachhini Gali, P.O.- Gulzarbagh, Ps.- Alamganj, Dist.- Patna.

... .. Petitioner/S

Versus

1. The State of Bihar
2. Ashish Kumar S/O Gunnu Prasad Singh C/O Amit R/O Mohalla- Khuzuki
Dhanuki, Ps.- Agamkuan, Dist. Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 554 of 2021 in which cognizance has been taken u/s 379 and 406 of the Indian Penal Code.

3. As per the prosecution case, petitioner sought loan of Rs. 1,54,500/- from the complainant for running his business and when the loan was extended to him, he later on refused to return the money to the complainant. Even the cheques issued by the petitioner bounced for want of fund.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. There would be no application of Section 406 and 379 IPC in the present case as ingredients of such offences are missing. The petitioner and complainant were friends and the petitioner took a friendly loan from the complainant. Petitioner has already returned Rs. 1,20,000/- to the complainant and the said fact has been acknowledged by the complainant in writing. The petitioner is ready to return the balance amount of Rs. 34,500/- to the complainant. Petitioner has got no criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case and considering the civil nature of dispute and further considering the undertaking of the petitioner to return the balance amount of Rs. 34,500/- to the complainant, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna City, Patna in connection with Complaint Case No. 554 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.



7. The application stands allowed.

(Arun Kumar Jha, J)

Prakash/-

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