

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26417 of 2023

Arising Out of PS. Case No.-449 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

ALI AHMAD Son of Late Noor Mohammad Resident of Mohalla - Chhoti
Kazipura, P.S. - Lahariasarai, Distt. - Darbhanga. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad
For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 13-03-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State. Though Vakalatnama is on record on behalf of the informant but none has appeared on his behalf.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 341, 323, 504, 379 and 506/34 of the Indian Penal Code and Section 138 of the N.I. Act.

3. The petitioner is said to have taken Rs.9,00,000/- from the informant for treatment of his wife and when the informant demanded the said money he abused and assaulted the informant and also snatched gold chain and cash of Rs.5600/-.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. As a matter of fact, the petitioner had taken Rs.90,000/- from the informant for treatment of his



wife and the informant had taken a blank cheque from the petitioner as security and kept it in his possession. The informant also gave a cheque of State Bank of India vide cheque no.244428 of Rs.3 lakhs without mentioning any date and had instructed the petitioner to deposit the said cheque in his account if in need of money but as the petitioner had no need of more money so he did not deposit the said cheque for encashment and the said cheque is still in possession of the petitioner without encashment. It is further submitted that after treatment of his wife he returned Rs.90,000/- to the informant with interest of Rs.50,000/-, totalling to Rs.1,40,000/- to the informant against his Rs.90,000/- but the informant is not satisfied with the interest of Rs.50,000/- and began to demand interest at the rate of 10% per month. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case as well as the fact that the dispute *inter se* is money dispute which is civil in nature, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Lahariasarai P.S. Case No. 449 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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