

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40963 of 2024

Arising Out of PS. Case No.-246 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Dhaneshwar Ram Shastri @ Dhaneshwar Ram Son of Late Aasharam
Resident of Village - Gaira, P.S.- Kotwa, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shankar Ram Son of Late Sudhan Ram, Resident of Vill.- Talwa Pokhar,
P.S.- Kotwa, Dist.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No.246 of 2023 instituted under Sections
406, 420 of the Indian Penal Code.

3. As per the prosecution case, on 21.08.2021
petitioner took an amount of Rs.2,65,000/- as a loan from the
complainant and assured to return the same within five months.
The complainant repeatedly demanded his money but the
petitioner did not return the same. therefore, on 12.03.2022 a
panchayati was held, in which he prepared document on non-
judicial stamp paper assuring to return the amount before



04.07.2022.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He further submits that petitioner had taken Rs.65,000/- from the complainant, out of which, he paid Rs.35,000/- to the complainant and is also ready to make remaining payment of Rs.30,000/- to the complainant, however, with ulterior motive the complainant has filed the false complaint case against the petitioner on false allegation. Learned counsel submits that there is inordinate delay in filing the complaint case. He further submits that petitioner has no criminal antecedent and he is ready to cooperate in the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Complaint Case No.246 of 2023, subject to



the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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