

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70748 of 2023**

Arising Out of PS. Case No.-1327 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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BINOD SAH @ BINOD KUMAR SAH son of Talebar Sah village- Bank
Bazar Bachhawara Ps- Bachhawara Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Laxman Rai son of Late Bindeshwari Rai M/S Keshav Sheet Grih Pvt. Ltd.
Ramzanpur Po- Dhabauli Ps- Muffasil Dist- Besusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Sinha
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 19-03-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Complaint Case No. 1327C/2019 registered under Sections 406,
506, 417 of the I.P.C.

3. As per the allegation made in the complaint petition the
petitioner is a potato merchant and used to keep his potato in the
cold storage owned by the complainant. During the period
10.03.2018 to 18.12.2012 the petitioner fell in need of money
and borrowed Rs. 27,62,829/- by way of loan out of which a
sum of Rs. 20,41,299/- has been refunded by the petitioner to
the complainant. The allegation is that the rest amount of Rs.
7,21,530/- has not been repaid / refunded.



4. Learned counsel for the petitioner submits that upon entire reading of the complaint petition no offence much less criminal offence under Section 406 of the I.P.C. is made out. He further submits that there was money transaction between the parties and loan was taken by the petitioner which has been refunded, however, according to the complainant a sum of Rs. 7,21,530/- is still to be refunded, but the fact of the matter is that the complainant has sold 1920 bags of potato of the petitioner kept in the cold storage.

5. Learned counsel for the complainant opposed the prayer for anticipatory bail and submits that there is specific allegation that the petitioner failed to refund the amount in question in favour of the complainant, and as such, offence under Section 406 of the I.P.C. is made out.

6. I have heard learned counsel for the parties and have gone through the complaint petition. From perusal of the complaint it appears that the complainant gave a loan of Rs. 27,62,829/- to the petitioner, out of which Rs. 20,41,299/- was refunded. On perusal of the complaint it appears that allegation prima facie relates to loan transaction, as such, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on



anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st Class, Begusarai in connection with Complaint Case No. 1327C of 2019 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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