

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80951 of 2024

Arising Out of PS. Case No.-475 Year-2021 Thana- COMPLAINT CASE District- Lakhisarai

Lalu Kumar @ Lalu Saw, (M), aged about 45 years, son of late Chandrika Saw, resident of R. Lal College Road, Ward No.24, P.S.- Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nawal Saw, (M), aged about 53 years, son of Late Banshi Saw, resident of R. Lal College Road, Ward No.24, P.S.- Lakhisarai, District- Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Complaint Case No.475-C of 2021 dated 07.12.2021, instituted under Sections 406 and 420 of the Indian Penal Code.

3. The allegation against the petitioner is that he had taken money from the complainant and promised to return the same within two to four months but did not return within the stipulated time and also abused the complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Further submission is that the petitioner and the



complainant are the resident of same locality. Allegation against the petitioner is false and concocted. In fact, the petitioner has taken loan of rupees one lakh from the complainant. Learned counsel further submits that from perusal of the solemn affirmation of the complainant it appears that the petitioner has returned rupees forty five thousand and he is ready to return the remaining amount i.e., Rs.55,000/- in two installments. Lastly, it is submitted that two criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered 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 provisional 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 Judicial Magistrate, 1st Class, Lakhisarai, in Complaint Case No.475-C of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further subject to payment of Rs.55,000/- in two installments.

7. The petitioner shall deposit Rs.30,000/- through



Demand Draft in favour of the complainant at the time of furnishing bail bonds and the rest amount i.e., Rs.25,000/- shall be paid through Demand Draft in favour of the complainant after one month from the date of first payment. The Court below upon getting the Demand Drafts from the petitioner in favour of the petitioner shall hand over the same to the complainant on proper verification. Upon deposit of entire money i.e., Rs.55,000/-, the Court below shall confirm the provisional bail of the petitioner.

8. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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