

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2137 of 2024

Arising Out of PS. Case No.-1833 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Gaurav Kumar Son of Anand Kumar Resident of Loco Colony, Quarter No. 130/A, Post and P.S.- Khagaul, Dist.- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Shri Dinesh Kumar Son of Sahdeo Prasad R/o vill and Post - Sarai, P.S. - Maner, Distt. - Patna

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate
For the Opposite Party/s : Ms/Mrs. Madhuri Lata, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and the State.

2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 406/323 of the Indian Penal Code.

3. As per the prosecution case, complainant gave Rs.4 lacs as friendly loan to the petitioner for a year, but latter did not return the loan amount.

4. Learned counsel appearing for the petitioner submits that as a matter of fact petitioner is relative of complainant and complainant had given him money to invest the same in the business. Petitioner has already returned the loan amount. Moreover, if case of the complainant is presumed to be



true then the petitioner is only obliged to return the amount as and when demanded. The relationship between the complainant and petitioner is only of creditor and debtor and if the debtor denies the debt and even if the denial is dishonest it is difficult to infer that criminal liability is incurred which could constitute an offence under section 406 IPC. Petitioner claims clean antecedent.

5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate II, Patna in Complaint Case No. 1833C/2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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