

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63700 of 2024

Arising Out of PS. Case No.-163 Year-2024 Thana- BAGHA District- West Champaran

Narendra Kumar Soni @ Narendra Kumar Son of Dev Dutt Soni @ Dev Dutt Prasad Village -Idgah Tola, Ward No. 31, Police Station- Bagaha, District -West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudhir Kumar Sarawagi Son of Late Nagar Mal Marwari Resident of Marwaritola Bagaha, P.S. Bagaha, West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ravi Shankar Sahay, Advocate Mr. Vijay Kr Singh No. 1, Advocate
For the State	:	Dr. Indihar Kumari, APP
For Opposite Party No.2	:	Mr. Bishwajeet Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-01-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

3. As per prosecution case, this petitioner borrowed Rs. 5,00,000/- from the son of informant and thereafter refused to return the same and when the informant asked for the money, he was threatened.

4. It is submitted by learned counsel appearing on behalf of the petitioner that as a matter of fact this petitioner had taken a friendly loan from son of informant for his business



and they had also made an agreement paper that the petitioner will return the money till 2024. Thereafter the petitioner had returned Rs. 50,000/- through U.P.I. in account of son of informant and rest of the amount was also paid through cash to the informant in the month of March, 2024 itself. Thereafter, on 31.03.2024, this petitioner went to house of informant and demanded the agreement paper from son of informant, who refused to return the same and demanded interest on the money, for which the petitioner also sent a Vakaltan notice on 19.04.2024 and thereafter filed a complaint case in this regard vide Complaint Case No. 485 of 2024 before the learned Additional Chief Judicial Magistrate 1st, Bagaha, West Champaran on 29.05.2024 and only with a view to save their skin from the aforesaid complaint case, the present case has been lodged by the informant on 08.06.2024. It is further submitted that the petitioner had rather taken a friendly loan from son of informant and has already returned the same and has not committed any offence. Moreover, from bare perusal of the F.I.R. it is apparent that the dispute is of civil nature. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant/Opposite



Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that during course of investigation it has come that petitioner had taken a loan of Rs. 5,00,000/- from son of informant with an undertaking that he would return the same but has refused.

6. Considering the aforesaid facts and circumstances, nature of dispute and the fact that the present case has been lodged in retaliation to the complaint case lodged by the petitioner, which is earlier in point of time, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 learned Additional Chief Judicial Magistrate 1st, Bagaha, West Champaran, in connection with Bagaha P.S. Case No. 163 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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