

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70697 of 2024

Arising Out of PS. Case No.-581 Year-2019 Thana- COMPLAINT CASE District- Lakhisarai

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Ashok Ram Son of Sri Rajo Ram R/o Village - Tilo Khar, P.S.- Amahara,
Distt.- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Ishwar Lal Mahto Son of Sri Krishanchandra Mahto R/o Village - Pali,
P.S.- Birupur, Distt.- Lakhisarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma, Adv
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 01-05-2025 Heard learned counsel for the petitioner learned
counsel for the complainant, and the State.

2. Petitioner apprehends his arrest in connection with
Complaint Case No. 581C of 2019 registered for the offences
punishable under Sections 406 and 420 of the Indian Penal
Code.

3. The prosecution case arises out of a complaint in
which the complainant has made an allegation that the petitioner
had taken an amount of Rs. 3,05,000/- from the complainant in
the name of installing Tower and also providing him job of
security guard there. The petitioner neither got the Tower
installed nor returned the money to the complainant. A
panchayati was also held but the same did not succeed.



4. Learned counsel for the petitioner submits at the outset that the petitioner did not take any money from the complainant and there is no element of truth in the allegation levelled by the complainant. It is also a fact that there is absolutely no document or any chit of paper to show that there had been any money transaction between the complainant and the petitioner. Further it has also been submitted that there was no acceptance to return the money in the *Panchayati* and no money has ever taken by the petitioner.

5. Learned counsel for the petitioner also invites the attention of this Court to the statement of the complainant on S.A that the complainant had accepted that the petitioner were co-villagers engaged in cultivation and has also admitted that the money was given in cash and no document was prepared with regard to such transaction.

6. Learned APP for the State and learned counsel for the complainant oppose bail application mainly on the ground that the petitioner has fraudulently taken the money of the complainant and has not returned the same. Learned counsel for the complainant also filed a counter affidavit to bring the document of compromise between the petitioner and the



complainant but the petitioner denies and disputes his signature over the same. He has further pointed out to the complaint case which was filed by the petitioner against Ranjeet Ranjan and others to show that he was some way connected with Ranjeet Ranjan and other accused persons with the business of Tower Installation and he had taken money from some other persons. However, it will be noted from the said case that the petitioner has not taken the name of the complainant as one of the person who has given money for the said purpose. The application has also been opposed on the ground that the petitioner is accused in three other cases to which learned counsel for the petitioner has responded by stating that he is on bail in two of the cases and has already been acquitted by the National Lok Adalat in one case.

7. Taking into consideration the rival contentions of the parties, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/surrender within a period of four weeks from today the petitioner shall be released on bail on 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. 581C of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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