

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75035 of 2024

Arising Out of PS. Case No.-7705 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Dinkar Thakur, male, aged about 43 years, S/O Kashi Thakur, R/O Polson
Road, Near Ankur Public School, P.S- Digha, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar, male, aged about 55 years, S/O Late Raja Ram Sao, R/O
Bank Kothi, Gate No. 96, P.S- Digha, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 29-01-2025 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.7705-C of 2021 dated 14.12.2021, instituted
under Sections 323, 379, 506 of the Indian Penal Code.

3. The prosecution case, in brief, is that the petitioner,
who deals in sale/purchase of land, gave assurance to the
complainant, who sells vegetables, to manage a loan of
Rs.2,00,000/- from bank. For this purpose, petitioner had taken
signature of the complainant on 3-4 blank stamped papers. He
had taken Rs.60,000/- twice for granting loan but on expiry of
four to five years no loan was sanctioned in favour of the



complainant. Then the complainant made pressure on the accused to return the amount and the stamped paper but the petitioner did not return the amount. On the alleged date of occurrence, when the complainant went to the house of the accused to demand his money and paper then the petitioner and others assaulted the complainant and snatched Rs.2,500/- from the pocket of the complainant.

4. Earlier, notice was issued to the complainant-opposite party no.2, but he has not appeared even after service of notice personally on him.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Further submission is that the complainant had taken friendly loan of Rs.6,10,000/- from the petitioner in two installments; firstly Rs.2,50,000/- on 31.08.2016 to expand his business and secondly, Rs.3,60,000/- on 21.11.2016 for treatment of his leg with assurance to return the same in five years and expiry of time when the petitioner demanded his money then the complainant returned Rs.1,10,000/- in installment. An agreement was prepared upon which the complainant, his wife and two sons have signed. For the rest of the amount, the complainant gave two cheques of Rs.2,50,000/-



each in favour of the petitioner and when the same was presented both the cheques bounced on account of closure of the account. Thereafter, the petitioner sent a legal notice, but the complainant has not returned the amount. The present case has been lodged only with a view to grab the loan amount of rupees five lakhs. Lastly, it is submitted that the petitioner has no criminal antecedents.

6. Learned APP has opposed the prayer for bail.

7. 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 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, Patna, in Complaint Case No.7705-C of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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