WEB COPY NOT OFFICIAL

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37225 of 2014

Arising Out of PS.Case No. -276 Year- 2014 Thana -AHIAPUR District- MUZAFFARPUR

==========

Birendra Shahi, son of Late Ram Swaroop Shahi, resident of village- Damodarpur, Mahamaya Nagar (Shyampur Bhoja), P.S. Kanti, District- Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

==========

Appearance :
For the Petitioner/s : Mr. Upendra Kumar Chaubey
For the Opposite Party/s : Mr. A.P.P.

==========

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

.....

2 20-02-2015 Heard learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Ahiyapur P.S. Case No.276 of 2014 registered for the offence under Sections 406, 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act, has prayed for grant of anticipatory bail.

Learned counsel for the petitioner submits that on a false allegation of civil dispute, a colour of criminal offence has been given by the informant by way of filing a complaint petition vide Complaint Case no. 568 of 2014, which was subsequently referred to police for its registration under Section 156(3) of the Code of Criminal Procedure and, thereafter, the present F.I.R. has

been lodged. Learned counsel for the petitioner submits that on perusal of the complaint petition itself, it appears that nature of allegation is completely civil. It has been alleged that after accepting advance money, the petitioner has not executed sale deed in favour of the informant.

Keeping in view the nature of accusation, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail. Let the petitioner, namely, Birendra Shahi be enlarged on bail, in the event of his arrest or surrender within eight weeks from today, on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case no.276 of 2014, subject to condition as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

NKS/-

U		T	