

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47451 of 2014

Arising Out of PS.Case No. -188 Year- 2014 Thana -KANTI District- MUZAFFARPUR

Rajesh Kumar Son of Ramchandra Singh Resident of Village - Nawalpur,
Police Station - Baruraj, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 14-05-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Kanti P.S. Case
No. 188 of 2014 dated 02.05.2014 instituted under Sections
406/420 of the Indian Penal Code.

The allegation against the petitioner is that he had
taken away scrap from the shop of the informant on 26.04.2014
on the plea that the money would be paid the next day and on the

next day i.e., 27.04.2014 he had run with the scrap on a truck without paying the money.

Learned counsel for the petitioner submits that though the incident is alleged to have taken place on 27.04.2014 but the F.I.R. was lodged on 02.05.2014, that is after a delay of five days, for which there is no explanation as in the F.I.R. itself it has been stated that the informant had chased the truck for some distance on that very day but still no complaint was filed anywhere. Learned counsel submits that it is purely a matter of civil nature relating to money dispute between the parties and in fact the informant had taken about Rs. 60,000/- from the petitioner which the informant was not ready to repay and to create undue pressure has lodged this false case. It is submitted that the petitioner has clean antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering 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 Chief Judicial Magistrate,

Muzaffarpur in Kanti P.S. Case No. 188 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

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