

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2932 of 2016

Arising Out of PS.Case No. -2627 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Manish Anand son of late Hemant Kumar Jha Resident of Anand Villa,
Budh Marg, P.s Kotwali, District Patna Petitioner/s

Versus

1. The State of Bihar
2. Mrs. Deepa Devi, W/o Mr. Sandeep Kumar
3. Mr. Sandeep Kumar S/o late Ram Gopal Mahensaria. Both resident of
Mulchand Path, Bhadurpur Gumti, Kankarbagh, Patna.
.... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Sr. Adv.
Mr. Narendra Kumar Singh
For the State : Mr. Manish Kumar 2, APP
For O. P. Nos. 2 & 3 : Mr. Rajest Daya, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 02-05-2016 Heard learned Senior Counsel for the petitioner,

learned Counsel appearing on behalf of Opposite Party Nos.
2 and 3 and the learned Additional Public Prosecutor,
appearing on behalf of the State of Bihar.

This application, for grant of anticipatory bail,
arises out of Complaint Case No. 2627 (C) of 2015,
disclosing offence under Sections 406 and 418 of the
Indian Penal Code.

Mr. Jitendra Singh, learned Senior Counsel,
appearing on behalf of the petitioner, has contended that it
is primarily a civil dispute between the petitioner and the
opposite parties, which has been given shape of a criminal
case.

Learned Counsel appearing on behalf of the Opposite Party Nos. 2 and 3 has opposed the prayer.

Since this application arises out of a complaint case, I direct the petitioner, Manish Anand, to appear before the Court below within a period of four weeks from today, and seek regular bail, if so advised. If he does so, his application for bail shall be disposed of on the same day, taking into account the law laid down by this court in the case of **Salim Ansari @ Md. Salim Ansari and Others v. The State of Bihar**, reported in **2015 (3) PLJR 807**, paragraphs 14 and 15 of which read thus:

"14. No fruitful purpose would, thus, be served by detaining an accused in a complaint case, even if the case involves commission of non-bailable offences, unless there is credible material on record to show that accused may unduly influence the witnesses and/or desist them from giving evidence or may not be available for trial.

15. Unless such an extreme case is made out, as stand indicated above, a Magistrate shall, ordinarily, allow the accused to go on bail unless the offence falls within the exceptions as have been provided under Section 437 of the Code of Criminal Procedure itself, such as, a case of murder, where the case requires an order of commitment to the Court of Session."

This application is disposed of with the aforesaid observation and direction.

Prabhakar Anand/-

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(Chakradhari Sharan Singh, J.)