

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29565 of 2016

Arising Out of PS.Case No. -436 Year- 2015 Thana -NAWADA District- NAWADA

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Arjun Mahto S/o Kameshwar Mahto Resident of Village- Lengura, P.S. -
Rajauli, Distt- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ram Krishna Vishwakarma son of Late Misri Mistri, resident of village
/ Mohalla Shastrinagar, P.S. Nawada ,District Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 21-12-2016 Heard Sri Alok Kumar Sinha, learned counsel , assisted

by Sri Bhola Kumar, learned counsel for the petitioner and

learned Additional Public Prosecutor.

The sole petitioner, apprehending his arrest in Nawada
Nagar P.S. Case No. 436 of 2015 registered for the offence under
Section 406, 420, 418 of the Indian Penal Code and Section 138
of the Negotiable Instrument Act has prayed for grant of bail in
the event of arrest or surrender.

In this case by order dated 29.8.2016 keeping in view
peculiar facts and circumstances of the case , a Bench of this Court
had permitted the learned counsel for the petitioner to implead the
informant as opposite party no. 2 and notice was directed to be



issued. While directing for issuance of notice case diary was called for as well as direction was given not to take any coercive step against the petitioner. Despite valid service of notice the informant has not appeared till date. It was submitted by learned counsel for the petitioner that in a dispute relating to business transaction (sale and purchase) initially complaint was filed by the complainant which was referred to Police for registration and investigation under Section 156(3) of the Cr.P.C. and as such, the present F.I.R. was lodged . He has highlighted the fact disclosed in the complaint petition that it was out and out a case of civil dispute and color of criminal offence has been given. However keeping in view the fact that in this case which was initiated on the basis complaint petition of- course subsequently F.I.R. was lodged and despite valid service of notice , complainant / informant has preferred not to appear as well as keeping in view the nature of accusation, there is no reason to refuse privilege of anticipatory bail . Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Arjun Mahto be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada / concerned court in connection with Nawada



Nagar P.S. Case No. 436 of 2015 subject to the conditions as contemplated under Section 438(2) of the Code of Criminal Procedure 1973.

(Rakesh Kumar, J)

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