

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44588 of 2017

Arising Out of PS.Case No. -987 Year- 2014 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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1. Rajdeo Prasad Verma Son of Late Thakur Prasad Verma resident of
Village - Mahmampur, P.S. - Jehanabad, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ashwini Kumar @ Ashwini Kumar Singh @ Ashwani Kumari Son of
Banshilal Singh R/o Village - Kama Bigha, P.S. - Aurangabad, District -
Aurangabad, Proprietor of HMT Tractor Agency Bhagirath Bigha
Jehanabad and Veena Auto Corporation G.T. Road Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Kishore Singh

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 13-09-2017 Heard both sides.

The petitioner has filed this petition for cancellation
of anticipatory bail granted to the Opposite Party No. 2 Ashwini
Kumar @ Ashwini Kumar Singh @ Ashwani Kumari vide order
dated 10.08.2017 passed in Criminal Misc. No. 34671 of 2017.

Learned counsel for the petitioner submits that
opposite Party no. 2 took Rs. 4,06000/- in cash and Rs. 1,50,000/-
through cheque and handed over a receipt. Petitioner was
complainant. The petitioner has filed case before the Bihar
Consumer Dispute Redressal Forum, Jehanabad but the case was



disposed of on the ground that the case relates to the recovery of money said to have been given by the petitioner and the same can be recovered only by filing suit in the civil court. Thereafter, the petitioner filed a complaint case.

It is submitted that the opposite party no. 2 concealed the facts but I find that the petitioner alleged that he handed over money to the Opposite Party No. 2 but the Opposite Party No. 2 denied the receiving of money from the petitioner. The petitioner filed case in Consumer Court being a case No. 59 of 2013 and the Consumer Court found bonafide civil dispute in regard to landing money to the Opposite Party No. 2. The dispute appears to be of civil nature and as such Opposite Party No. 2 was granted Anticipatory Bail. I did not find any ground to cancel the anticipatory bail granted to the opposite party no.2.

Accordingly this petition for cancellation of bail is rejected.

(Prabhat Kumar Jha, J)

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