

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2151 of 2017

Arising Out of PS.Case No. -312 Year- 2013 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

- =====
1. Krishna Kumar Verma
 2. Gopal Kumar @ Gopal Seth Both above are sons of Shiv Pujan Seth residents of Stuarganj, Mohania, Police Station - Mohania, District - Kaimur at Bhabua.

.... Petitioners

Versus

1. The State of Bihar
2. Lal Bahadur Singh Son of Late Musafir Singh, Village -Bheria, P.S. - Durgawati, Distt. Kaimur, at present R/o Close North to S.D.O. Court, Mohania, P.S. -Mohania, Distt. - Kaimur.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Rajani Kant Pandey

For the Opposite Parties : Mr. Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

8 11-05-2017 Heard the learned counsel for the petitioners, the learned A.P.P. for the State as also the learned counsel for the complainant.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Complaint Case No. 312 of 2013 for the offences punishable under sections 420, 120 B, 409 and 467 of the I.P.C.

This case is based on the complaint petition with the allegation that there was good relation between the complainant and the petitioner no.1 to whom the complainant handed over



Rs.50,000/- as an advance and also issued a cheque of Rs.1,00,000/- in the name of petitioner no.2. The complainant also paid to petitioner no.1 Rs. 3,50,000/- in cash. Accused Abhishek Kumar took signature of the complainant on some papers. The petitioner no.1 demanded Rs. 5000/- from the complainant which was given by him. On 17.12.2012 the complainant went to the Bank and saw the petitioner no.1 present there. At the instance of the accused the complainant got his account opened in the Bank and when he asked for his papers the same was not given to the complainant. The accused persons intentionally committed forgery against him.

Submission is of false implication and that in the false and concocted case the petitioners have been implicated, the petitioners are own brothers, the petitioner no.2 is the owner of the shop, namely, Maa Durga Enterprises which runs the business of Nokia mobile, in this respect he owns a shop at Mohania where he runs his business, due to good relationship petitioner no.2 handed over sets of the Nokia mobile worth Rs. 125000/- to one Vikash who is son of the complainant and for that the informant issued a cheque of Rs. 1,00,000/- in the name of Maa Durga Enterprises, the cheque was never issued in the name of individual but it was account payee, the complainant never issued any cheque in the



individual name of petitioner no.2, the allegation of the complainant that he handed over Rs. 3,50,000/- in cash to petitioner no.1 is totally false, super addition, no such money was ever handed over to the petitioner no.1 nor there is any evidence of such payment, the petitioner no.1 has filed earlier Mohania P.S. Case No. 67 of 2013 in which the present complainant Lal Bahadur Singh is accused no.1, in this case cognizance has been taken, the present complainant had issued a cheque of Rs.20,00,000/- in the name of petitioner no.1, namely, Krishna Kumar Verma and when the said cheque was presented in the Bank it was bounced due to insufficient fund, no offence as alleged is made out against the petitioners, there is case and counter case and as such the petitioners deserve sympathetic consideration, moreover nature of dispute is purely civil in nature.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioners by submitting that the petitioner no.1 was in jail custody from 28.03.2017 and he was released by order dated 01.04.2017, but this fact has been suppressed and as such the petitioners do not deserve pre-arrest bail.

In the facts and circumstances as stated above, considering that there is case and counter case, the petitioner no.1



has already been allowed bail in Mohania P.S. Case No. 59 of 2017 and at present he is not in the custody and as such the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. A.C.J.M- 1st, Bhabua in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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