

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11763 of 2017

Arising Out of PS.Case No. -777 Year- 2016 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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Santosh Kumar Rai Son of Pachu Rai, Resident of Village- Devkali, P.S.-
Mohania, District- Kaimuir (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Subhash Chandra Gupta , Son of Jai Shankar Prasad, Resident of Village-
Upari, P.S.- Ramgarh, District- Kaimur (Bhabhua)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Complainant : Mr. Sandip Singh, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-03-2017 This is an application for grant of anticipatory bail

for offences punishable under Sections 409, 420, 120B and 34 of

the Indian Penal Code.

Heard learned counsel for the petitioner.

It has been submitted on behalf of the petitioner that

he has been falsely implicated in this case. Petitioner used to deal

with sale and purchase of rice and it is alleged by the informant

that Rs. 13 lacs and odd was taken by petitioner from them but he

did not deposited the money and, as such, the present case has

been lodged. It has further been submitted that considering the

entire transaction and also the nature of dispute, petitioner

deserves anticipatory bail. It is also submitted that complainant



has also filed a case before the Superintendent of Police, Durg, Chhatishgarh and in that case also he has mentioned the same truck number which is alleged to have been used in carrying rice in the present case.

Heard learned A.P.P. as well as learned counsel for the complainant. Learned counsel for the complainant has submitted that signature of the complainant has been fabricated and as such, the application has been filed by petitioner himself. Complainant has collected money from the small farmers and given to the petitioner for supplying at Chhtishgarh.

Having heard both sides, in view of the fact stated above, I am not inclined to grant anticipatory bail to the petitioner, same is rejected.

However, petitioner is directed to surrender in the court below, i.e., C.J.M., Bhabua, in connection with Complaint Case no. 777 of 2016 and make prayer for regular bail which shall be considered on merit without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Vinod Kumar Sinha, J)

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