

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61011 of 2017

Arising Out of PS.Case No. -391 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Fulena Sah, Son of Late Moti Sah, Resident of Village- Barwa Awasani,
P.S.- Bagaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Most. Shambha Devi, W/o Late Shushil Kumar @ Ashok Kumar,
Resident of Village- Pathkhauli, Ward No. 3, P.S.- Bagaha (Pathkhauli),
District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1
For the Opposite Party/s : Mr. Ram Sumiran Roy

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 13-03-2018 Heard the learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks anticipatory bail in connection
with Tr. No. 3433 of 2016 arising out of Complaint Case No.391-
C/14 registered for the offences punishable under Sections 406,
420 and 120(B) of the Indian Penal Code.

The case of prosecution, according to the complainant,
is that the petitioner, who was tenant of the complainant, had taken
a sum of Rs. 2,00,000/- on assurance to get the son of the
complainant employed. However, later on neither the employment
was provided nor the said amount was refunded. It is further



submitted that the petitioner had also stopped paying rent subsequently.

The learned counsel for the petitioner submits that if at all any allegation, levelled against the petitioner herein, are considered to be true, the same is civil dispute and the remedy of the petitioner lies before the court of appropriate civil jurisdiction. It is further submitted that despite valid service of notice, the opposite party no.2 i.e. the complainant herein has failed to turn up before this Court which creates a doubt about the veracity of the genuineness of the present case. The petitioner is stated to be having a clean antecedent.

Having regard to the facts and circumstances of the case, the provisional bail already granted to the petitioner herein vide order dated 21.12.2017 passed in the present case is confirmed.

(Mohit Kumar Shah, J)

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