

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.32952 of 2018**

Arising Out of PS. Case No.-788 Year-2016 Thana- BHAGALPUR COMPLAINT CASE  
District- Bhagalpur

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Kumar Prabhakar S/o Ashok Kumar Singh, R/o Mohalla- G.C. Banerjee  
Lane, Mundichak, P.S.- Tilkamanjhi, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Samrendra Nischal S/o Maheshwari Prasad, R/o Mohalla- Uco Bank  
Compound, Zero Mile, P.S.- Zero Mile, Distt.- Bhagalpur.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey  
For the Opposite Party/s : Mr. Sri Ajit Kumar

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

7      31-07-2018              Heard learned counsel for the petitioner and learned APP for  
the State.

Petitioner apprehends his arrest in Complaint Case no. 788 of  
2016 instituted for the offence under Section(s) 420 and 120B of  
the Indian Penal Code.

Learned counsel for the petitioner has submitted that that there  
is no chit of paper filed by the complainant along with with  
complaint petition of making payment of the amount as mentioned  
in the complaint petition to the petitioner. Learned counsel for the  
petitioner has further been submitted that from the nature of  
allegation it appears that it is a case of civil dispute and even if  
complainant has any grievance then civil remedy is available to him.  
It is further pointed out that one of the co accused has already been



granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.07.17 passed in Cr. Misc. no. 21787 of 2017.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Complaint Case no. 788 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM-XIII, Bhagalpur, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Sanjay Priya, J)**

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