

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27514 of 2019

Arising Out of PS. Case No.-899 Year-2018 Thana- SHASTRINAGAR District- Patna

KUMAR PRIYARANJAN @ GONU @ PRIYARANJAN S/o Radha Mohan
Rai R/o village- Agion, P.O.- Agiaon P.S.- Jagdishpur, Distt.- Bhojpur (Ara),
At present A.G. Colony, S.S. Place, P.S.- Shastrinagr, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-04-2019 Heard the learned counsel for the petitioner, the
learned counsel for the informant and the learned APP.

The petitioner apprehends his arrest in Shastri Nagar
P.S. case No. 899 of 2018 registered under Section 406, 420 of
the IPC.

The informant gave Rs. 18 lacs to the petitioner
through different modes such as, RTGS, gold loan and cash for
starting a project but the project could not be done. The
informant demanded money but the petitioner refused to return
the money. It is further alleged that petitioner called the brother
of informant on 23.12.2018 and assaulted him.

The learned counsel for the petitioner submits that
Shastri Nagar P.S. case No. 900 of 2018 is registered on the



basis of fard bayan of petitioner in which the petitioner alleged that informant and his brother came to his flat with arms and threatened the informant. On 23.12.2018 the brother of informant was found in drunken condition and he was arrested. It is submitted that it is a case of civil dispute and the same cannot be resolved by filing criminal cases but the informant and others are bent upon to take revenge and realize the amount by using criminal force.

The learned counsel for the informant, on the other hand, vehemently opposed the prayer for anticipatory bail and submitted that case of informant was instituted at the earlier point of time.

It appears from perusal of the records that, of course, the case of informant is instituted at earlier point of time but it was the brother of informant who was arrested from near the flat of petitioner and he was found in drunken condition. There appears to be civil dispute between two sides for borrowing and paying of money which cannot be resolved by filing criminal case.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court



below within a period of four weeks from the date of receipt/
production of a copy of this order is directed to be enlarged on
bail on his furnishing bail bond of Rs. 10,000/- (rupees ten
thousand) with two sureties of the like amount each to the
satisfaction of learned Additional Chief Judicial Magistrate,
Patna in connection with Shastri Nagar P.S. case No. 899 of
2018, subject to conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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