

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34317 of 2019**

Arising Out of PS. Case No.-259 Year-2018 Thana- CHAND District- Kaimur (Bhabua)

SHIV KUMAR @ SHIVA KUMAR Son of Sri Kailashpati Singh Yadav
Resident of Village- Alipur, P.S.- Chand, District- Kaimur, Bhabhua, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan

For the Opposite Party/s : Mr.Tarun Prasad Mandal

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 20-08-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Chand P.S.ase No.259 of 2018 (G.R.No.3056 of 2018) registered for offences punishable under Sections 341, 323, 406, 420, 379, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, the petitioner has gone to the house of the petitioner to demand Rs.2,30,000/- and asked him to give money by 26.8.2017 , on which the petitioner annoyed and caught hold the caller and tried to kill him. There is allegation against the other accused persons of assaulting by fists and slaps.

Submission of the learned counsel for the petitioner is that as per the agreement, the case of the informant is that Rs.2,80,000/- was due with the petitioner and Rs.50,000/- was given by 5.10.2017 and rest of the amount was to be paid by 2nd of October, 2018 but it is specific case that no such amount is



due with the petitioner and he has been falsely implicated in this case and he has filed a suit for execution of the agreement .

Heard learned A.P.P. and the learned counsel for the informant, who has opposed the prayer for bail on the ground that the agreement itself shows that the petitioner has taken money and he is not returning the amount..

Having heard both sides. In such view of the matter, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, if the petitioner surrenders before the learned court below and make prayer for regular bail and during that time, the petitioner is ready to deposit the amount even in installments, the learned court below shall consider the aforesaid aspect of the matter, while passing order on bail application .

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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