

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48738 of 2019

Arising Out of PS. Case No.-573 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Harindar Sah Son of Late Baidhnath Sah Resident of Village - Patilar, P.S.-
Choutarawa, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munna Sah Son of Late Nandlal Sah Resident of Village - Patilar, P.S.-
Choutarawa, District- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra

For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 05-08-2019 Heard leaned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Tr. No. 3765 of 2018 arising out of Complaint Case No. C573 of 2017, registered for the offence under Sections 417 and 384 of the Indian Penal Code.

The allegation against the petitioner, as per the complaint, that petitioner is neighbour of complainant and he took Rs.80,000/- from the complainant, when he demanded his money back the petitioner did not pay the amount and on 23.07.2017 the petitioner with the help of local police took his signature on the plain paper and threatened the complainant of



dire consequences.

Mr. Milind Kumar Mishra, learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case by the complainant on the basis of mala fide complaint inasmuch as, the fact of the matter is, it was the complainant who had taken a sum of Rs.80,000/- from the petitioner, for which a Panchayat was held on 24.07.2017, in which the complainant had accepted the fact that complainant had taken a sum of Rs.80,000/- from the petitioner. However, the complainant turnaround from his acceptance made before the Panchayat and lodged the false complaint against the petitioner on the same day i.e. 24.07.2017.

Learned counsel further submits that the petitioner has also lodged an F.I.R. against the complainant bearing Chautarwa P.S. Case No. 8 of 2019 dated 06.01.2019 alleging the fact regarding misappropriation of the amount of the petitioner, in which, police after investigation has submitted chargesheet against the complainant vide chargesheet no. 73 of 2019 dated 31.03.2019.

After having heard learned counsel for the parties and taking into consideration the fact that it appears to be a dispute pertaining to money transaction between the petitioner and



complainant, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above named, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Bagaha, West Champaran, in connection with Tr. No. 3765 of 2018 arising out of Complaint Case No. C573 of 2017, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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