

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2234 of 2020**

Arising Out of PS. Case No.-578 Year-2018 Thana- ROHTAS COMPLAINT CASE District-  
Rohtas

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ANUJ KUMAR Son of Rameshwar Ram Resident of Village- Yogeyan, P.O-  
Kajhai, P.S.-Bikramganj, District-Rohtas.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Manoj Sharma Son of Madan Sharma Resident of Village- Tenuaj bazar, P.O  
and P.S.-Natwar, District-Rohtas.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vikram Deo Singh, Adv.  
For the Opposite Party/s : Mr.Pranav Kumar, APP  
For the Complainant : Mr. Raghunandan Kr. Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      16-01-2020              Heard learned counsel for the petitioner and the learned  
APP for State.

Learned counsel for complainant appears and files his  
'*Vakalatnama*' which is taken on record.

Petitioner apprehends arrest in connection with  
**Complaint Case No. 578 of 2018** instituted for the offence  
under Section(s) 406 and 420 of the Indian Penal Code.

The case of the prosecution on the basis of complaint  
filed by the complainant is that for film production, the accused  
persons had taken a loan of Rs. 3,00,000/- with a promise to  
repay the same along with 20% of the profit pursuant to release  
of the film. The film could not be released. The accused has still



not returned the amount and it is, under such circumstances, the instant complaint has been lodged alleging offences U/s 406 and 420 of the Indian Penal Code.

It is submitted by the petitioner's counsel that even if the entire allegations are taken to be true the complainant has predominantly a civil case, for which, he should have availed of civil remedy. No offence can be made out on the basis of the allegations even if they are said to be true.

Learned APP for the State and complainant opposed the prayer for bail. It is their submissions that in view of the allegations made in the complaint, the complainant could have civil as well as criminal remedy available to him.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the court below, within four (04) weeks from today, 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 **Judicial Magistrate- Second Class, Bikramganj, Dist. Rohtas**, in connection with **Complaint Case No. 578 of 2018** subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following



conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

shyambihari/-

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