

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10483 of 2020

Arising Out of PS. Case No.-727 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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UDAY PRASAD Son of Ghutuk Narayan Prasad Resident of Village -
Balmiki Nagar Near Gol Chowk, Police Station - Balmiki Nagar, District -
West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jainul Mian Son of Late Jumwali Mian Resident of Village - Kukura, Police
Station - Sikarpur, District - West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Surya, Advocate
For the State	:	Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 03-07-2020 Heard Mr. Anil Kumar Surya, learned counsel for

the petitioner and Mr. Nawal Kishore Prasad, learned

Additional Public Prosecutor appearing for the State

through video conferencing.

Petitioner apprehends arrest in connection with

Trial No. 4517 of 2019 arising out of Complaint Case No.

727C of 2017 registered for the offences punishable under

Sections 406, 417, 323, 504 and 506 of the Indian Penal

Code 1860 and the cognizance under the aforesaid Sections

has been taken by the learned Magistrate.

The allegation against the petitioner as per



complaint petition is that the petitioner came in the village of the complainant and introduced himself as an employee of the Irrigation department and assured the complainant that he will arrange a piece of land on lease from the Canal department if the complainant pays a sum of Rs.1,00,000/- to the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as on the basis of concocted story, the petitioner has been dragged in the present case. Learned counsel referring to the supplementary affidavit submits that similar verbatim, complaint case was filed by the son of the complainant against the petitioner bearing complaint case No. 936 of 2017 stating therein that the petitioner had fraudulently taken a sum of Rs.1,00,000/- from the complainant i.e. son of the present complainant for the purpose of arranging a piece of land from the Canal department, on lease. Learned counsel referring to the order sheets passed by the learned court below submits that the learned court below granted regular bail to the petitioner on the basis of the fact that the petitioner has already deposited a sum of Rs.50,000/- on



various dates in favour of son of the complainant. Learned counsel further submits that in fact the friendly loan of Rs.25,000/- was taken by the petitioner from the complainant for which two Complaint Case have been filed by the father and son of the Complainant bearing Complaint Case No. 727 of 2017 (present complaint) and Complaint Case 936 of 2017 based upon the same story.

Having heard learned counsel for the parties and taking into consideration the fact that on the same set of facts, two complaint case have been filed by father and son of the complainant and in the complaint filed by the son of the complainant, the petitioner has been granted bail by the learned court below on the basis of the fact that a sum of Rs.50,000/-has been deposited by the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Shri Manoj Kumar, learned Judicial Magistrate, West



Champan at Bettiah, in connection with Trial No. 4517 of 2019 arising out of Complaint Case No. 727C of 2017, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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