

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14628 of 2020

Arising Out of PS. Case No.-250 Year-2017 Thana- KATIHAR MUFFASIL District- Katihar

VIBHASH KUMAR S/O- Bhagwat Thakur @ Late Bhagat Narayan Singh
R/O Vill - Mahant Manihari, P.S. - Khudani, Distt. - Muzaffarpur, As per the
F.I.R. Address - R/O- Maniyari, Near Silot Station - P.S. Maniyari, P.O. -
Maniyari, Distt. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Dr. Indihar Kumari, the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Katihar Muffasil P.S. Case No. 250 of 2017 registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.



The case of the informant is that he had engaged in a business transaction in the year 2016-2017 with the petitioner, however, the petitioner had failed to pay the full amount of Rs. 14.24 lacs approximately and had paid only a sum of Rs. 2.31 lacs, hence, the petitioner has cheated the informant.

The learned counsel for petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the allegations levelled by the informant are purely in the nature of civil dispute and the remedy of the informant lies before the competent court having civil jurisdiction.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the allegations levelled in the present case are purely in the nature of civil



dispute and the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Katihar Muffasil P.S. Case No. 250 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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