

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69220 of 2019

Arising Out of PS. Case No.-432 Year-2017 Thana- KHAJANCHI HAT District- Purnia

Rajendra Kumar Bhagat Son of Late Bishunath Prasad Bhagat Resident of
Village- Parwati hata, P.S.- Hat (sahyayak), District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Dr. Asad Imam Son of Late Md. Afik Resident of Mohalla- Naya Tola Line
Bazar, P.S.- K. Hat, District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP
For the Opposite Party/s	:	Mr. Prince Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 26-02-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with K. Hat (Sahayak) P.S. Case No. 432 of 2017, registered for
the offence punishable under Sections 406, 420 and 506 of the
Indian Penal Code.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and has falsely been
implicated in the present case. Further submission is that now
the petitioner wants to compromise the matter with the O.P.
No.2 and ready to pay Rs.25,00,000/- to O.P. No.2 immediately
and remaining amount will be paid in further six months.



Learned counsel for the O.P. No.2 opposes the prayer for bail of the petitioner.

From perusal of order dated 21.11.2017 passed in Cr. Misc. No. 41988 of 2017 that petitioner was granted anticipatory bail on the submission that petitioner had already transferred money on the direction of the informant in various heads.

From perusal of order dated 20.02.2017 passed in Cr. Misc. No. 43421 of 2018 that anticipatory bail of the petitioner was cancelled on the ground that the statement was given by O.P. No.2 by way of affidavit that he had never directed to the petitioner to transfer the amount to anyone.

From perusal of order dated 22.07.2019 passed in Special Leave to Appeal (Crl.) No. 6173 of 2019, it appears that Hon'ble Supreme Court also on perusal of the relevant document, declined to interfere with the cancellation order dated 20.02.2017 passed in Cr. Misc. No.43421 of 2018, which was challenged by the petitioner.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, I am not inclined to grant bail to the petitioner.

Accordingly, this application is rejected.



However, in case petitioner surrenders before the Court below and files an application for grant of bail, the same shall be considered and disposed of on the same day, if possible.

(Arvind Srivastava, J)

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