

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19242 of 2020

Arising Out of PS. Case No.-777 Year-2016 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

1. Amarjit Kumar @ Amarjit Bind, aged about 41 years, Son of Ramayan Bind, R/o- Darwa, P.S.- Mohania, District- Kaimur at Bhabua.
2. Rakesh Singh, aged about 36 years, Son of Sukhram Singh, R/o- Majhoe, P.S.- Chainpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Amarendra Kumar, Adv.
For the O.P. No. 2	:	Mr. Laxmi Kant Tiwary, Adv.
For the State	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

7 23-02-2021 Heard Dr. Amarendra Kumar, learned Advocate for the petitioners and Mr. Laxmi Kant Tiwary, learned counsel for the complainant/opposite party No. 2. The State is represented by Mr. Ajit Kumar, learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 777/C of 2016



dated 20.07.2016 in which, cognizance has been taken against them under Sections 420, 406 and 120-B/34 of the Indian Penal Code.

The petitioners and others are said to have purchased rice from the complainant/opposite party No. 2 to the tune of Rs. 13,34,466/-, but the complainant/opposite party No. 2 has not been paid the price of such rice. The petitioners and others purchased the rice from the complainant/opposite party No. 2 dilly-dallied.

Hence, the case.

Learned counsel for the petitioners has submitted that the accusation in the complaint is absolutely vague and does not specify as to which accused persons purchased what quantity of rice from him and that also at what price. There is nothing on record to indicate any transaction. It has further been submitted that the complainant/opposite party No. 2 had interacted with co-accused/Santosh Kumar only, who had acted as the intermediary between various purchasers of rice including the petitioners and the complainant/opposite party No. 2.



A perusal of the complaint petition also indicates that after calculation, the complainant/opposite party No. 2 came up with transaction on five dates, but such transaction was with whom and between which parties is not known. The entire accusation is in the realm of guess work.

Learned counsel for the complainant/opposite party No. 2, however, has pointed out that one of the accused persons of this case, viz., Santosh Kumar Rai @ Santosh Kumar was granted bail after he went to custody and on his depositing Rs. 6,50,000/- before the Court below which deposit was subject to his rights and contentions later in the case by order dated 25.07.2017 passed in Cr. Misc. No. 33083 of 2017. It has further been pointed out that another co-accused/Devmuni Singh has been granted anticipatory bail by a Bench of this Court, subject to his deposit of Rs. 2,00,000/- in Court with similar condition.

Taking the path of least resistance, Dr. Amarendra Kumar, learned Advocate for the petitioners submits that they are also willing to make deposit of Rs. 2,00,000/- in all under protest and subject to their rights and contentions



later in the case.

Considering the aforesaid stand of the petitioners, this Court directs that on deposit of Rs. 2,00,000/- by the petitioners before the Court below under protest and subject to their rights and contentions later, they, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-VI, Kaimur at Bhabua in connection with Complaint Case No. 777/C of 2016, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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