

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44204 of 2021

Arising Out of PS. Case No.-2339 Year-2012 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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SUBODH KUMAR RAI S/O SHRI BALESRAWAR RAI RESIDENT OF
MOHALLA-BIGIGANJ, RAILWAY COLONY, Q. NO. G-569/F, P.S-
SADAR, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

1. The State of Bihar
2. CHANDRAJEET S/O SATEYADEO YADAV R/O VILLAGE-AHIYAPUR,
P.S-AHIYAPUR, DISTRICT-MUZAFFARPUR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-12-2021 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 2339 of 2012, Tr. No. 430 of 2017 for
the offence registered under Section 406 of the Indian Penal
Code and Section 138 of the N.I. Act.

At the outset, the learned counsel for the petitioner
has submitted that the matter has been amicably settled with the
opposite party no. 2 and a draft of a sum of Rs. 2,25,000/- has
already been handed over to the opposite party no. 2, thus the
petitioner should be granted the privilege of anticipatory bail.
This Court finds that though a notice was issued to the
opposite party no. 2, however, there is no appearance on behalf



of the opposite party no. 2, hence this Court deems it fit and proper to relegate the petitioner to the remedy of filing an anticipatory bail petition before the learned court below in connection with Complaint Case No. 2339 of 2012 (Tr. No. 430 of 2017), pending before the learned Court of A.C.J.M., Muzaffarpur and in case such a petition is filed, the learned court below shall verify the averments made by the learned counsel for the petitioner regarding compromise having taken place in between the petitioner and the opposite party no. 2 and accordingly take a call with regard to grant or non-grant of anticipatory bail to the petitioner herein. It is needless to state that earlier rejections of the anticipatory bail petitions of the petitioner shall not prejudice the learned Court below while considering the anticipatory bail petition of the petitioner afresh.

The present petition stands disposed off with aforesaid observation and direction.

It is needless to say that for a period of six weeks from today, no coercive action shall be taken against the petitioner.

(Mohit Kumar Shah, J)

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