

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2349 of 2022

Arising Out of PS. Case No.-84 Year-2018 Thana- ARA NAWADA District- Bhojpur

BIKASH KUMAR SINGH S/O LATE SUBASH SINGH YADAV R/o
village- Dihari, P.S.- Nawanagar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 323, 504, 420 and 406 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 28.10.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and the present F.I.R. arises from a complaint case.

The informant alleges that the petitioner who was Chairman of the PACS had purchased paddy worth Rs. 2,20,000/- from the husband of the petitioner but the payment was not made despite repeated request and an agreement was executed in 2014 that in the event if the payment is delayed, the



same would be made with interest at bank rate, further alleges that her husband was detected with blood cancer and ultimately he died on 28.08.2017 but the money was not paid despite request at such critical juncture and when the informant requested for money on 15.11.2017, the petitioner misbehaved with her.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged it would manifest that the petitioner, as PACS Chairman, in 2014 had purchased paddy from the husband of the informant, it is submitted that if the amount would not have been paid then the husband of the informant would have raised grievance or would have instituted an F.I.R. but a complaint came to be instituted in 2018 and accordingly, the learned court below referred the case to police for instituting an F.I.R. based on which the present F.I.R. came to be instituted. Learned counsel further submits that even presuming what has been alleged is true in the complaint that the paddy was sold to the petitioner in the year 2014 then by 2017, the claim became time barred. It is further submitted that even a money suit would not have been filed for claiming the said amount after four years. It is next submitted that admittedly complaint/F.I.R. was instituted after a delay of four years



without any plausible explanation.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 28.10.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions advanced by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ara Nawada P.S. Case No. 84 of 2018.

(Satyavrat Verma, J)

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