

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20854 of 2021

Arising Out of PS. Case No.-710 Year-2017 Thana- DANAPUR District- Patna

SIKANDAR DAS Son of Bhushan Das Resident of Village - Basti, P.S.-
Harnaut, Distt.- Nalanda at Biharsharif at present - Transpoirt Nagar,P.S.
Agamkuan, Near Bharat, Highway, Petrol Pump, , District-Patna.800007

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brajesh Sahay, Advocate
For the Opposite Party/s	:	Mr.Amitesh Kumar, APP
For the Informant	:	Mr.Nawal Kishore Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 12-07-2022 Heard Shri Brajesh Sahay, learned counsel for the
petitioner, learned counsel for the informant and learned A.P.P.
for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406 and
420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has antecedent of one case in which he is on bail and
the informant alleges that petitioner used to work as a broker
and agent in rice business and informant dealt in rice in the
name of Sahil Traders. It is next alleged that petitioner booked
500 sacks of rice at the rate of Rs. 2,900/- per quintal, total
weighing 251 quintals and 60 kg worth Rs. 7,29,640/- and got



loaded on the truck as detailed in the F.I.R., however, the payment was never made to the informant despite several attempts made by him and thus the informant alleges that the petitioner cheated him of Rs. 7,29,640/-.

Learned counsel for the petitioner submits that petitioner is a supplier of truck and a commission agent, there was some dispute between the informant and the petitioner and suspecting false implication, petitioner filed an informatory petition in the court of learned S.D.O., Nalanda. It is next submitted that the dispute is purely civil in nature, as such criminal proceeding should not be resorted to for settling civil disputes.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner and the learned counsel for the informant submits that in the event if the said amount is returned by the petitioner to the informant then he will not oppose the anticipatory bail application.

Submission of the learned counsel for the informant in itself shows that the present criminal case has been instituted only as a measure to coerce the petitioner into submission for settling a civil dispute which definitely is not a mandate of



criminal proceedings.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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 Danapur P.S. Case No. 710 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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