

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16669 of 2022

Arising Out of PS. Case No.-380 Year-2021 Thana- BARH District- Patna

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1. Raju Kumar @ Aman Kumar Son Of Raj Kishore Prasad Gupta Resident Of Village - Barh Bazar, P.S.- Barh, Distt.- Patna.
 2. Kundan Kumar Son Of Raj Kishore Prasad Gupta Resident Of Village - Barh Bazar, P.S.- Barh, Distt.- Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-09-2022 The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2 as he has been arrested by the police.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn as having become infructuous with respect to petitioner no.2.

Heard learned counsel for the petitioner no.1 and learned APP for the State.

The petitioner no.1 seeks bail in anticipation of his arrest in a case registered for the offences punishable under



Sections 406, 420 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that in 2018, the petitioner took 200 pieces of mobile at the cost of Rs.2,76,000/-. Further, in lieu whereof, transferred only Rs.1,05,000/- in the firm's account of the informant and assured the petitioner that the due amount would be paid later. It is next alleged that on 04.09.2021, when the informant asked for his due, the petitioner refused.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that the date of occurrence is 13.08.2018 and the F.I.R. came to be instituted on 11.09.2021, as such, there is a delay of more than three years without any plausible explanation.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner and the fact that there is an inordinate delay in instituting the F.I.R., the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum 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 in connection with Barh P. S. Case No.380 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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