

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16576 of 2022

Arising Out of PS. Case No.-2566 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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Shridhar Pathak Son of Shrutidhar Pathak Resident of Panchshil Nagar,
Danapur, Near Bazar Samiti Danapur, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumar Gautam Son of Late Pankaj Nath Mishra Resident of Mohalla-
Trimurti Nagar, Gola Road, P.S.- Danapur, District- Patna, at present
resident of RMS Colony, Kankarbagh, P.S.- Kankarbagh, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary
For the Opposite Party/s : Mr. Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-11-2022 Heard learned counsel for the petitioner and learned

APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with complaint case no. 2566 (c) of 2020 instituted for the
offence under Sections 420, 406, 467, 468, 469, 471, 323, 504
of the Indian Penal Code.

As per allegation in the FIR, complainant had entered
into an agreement for development of construction of building
at the land of the complainant with the petitioner and advanced
an amount of Rs. 44 lacs to the petitioner (brother-in-law) and
assured to return Rs. 11 lac per year to him. On failure,



complainant had sent legal notice to the petitioner to which he had not replied and threatened the complainant of false implication.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner innocent and has committed no offence. He has got no criminal antecedent. Agreement annexed with complaint application contents signature of only one persons i.e. the accused and it bears no signature of Gautam Kumar. As far as stamp paper is concerned, no document was filed to show that stamp paper issued by a Stamp Vendor, who died long ago. Petitioner had promised to return the amount within 2-3 years. He had further stated that petitioner had returned about 7-8 lacs to the complainant. The petitioner is bahnoi (brother-in-law) of the complainant.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with complaint case no. 2566(C) of 2020, he will



be enlarged on bail on furnishing bail bond of Rs. 10,000/-
(Rupees ten thousand) each with two sureties of the like amount
each to the satisfaction of learned Judicial Magistrate-1st Class,
Patna subject to the conditions as laid down under section
438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Sushma/shivani/

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