

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19145 of 2022

Arising Out of PS. Case No.-266 Year-2019 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Rohit Kumar @ Rohit Jaiswal, Son Of Tej Narayan @ Tej Narayan Jaiswal
R/O- Banke Shah Lane, Opposite Suman Sarees, Ward No.-43, Azad Road,
Chandwara, Saraiy Sadullahpur, P.S.- Muzaffarpur Town, District-
Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sudhir Kumar Son Of Nand Kishore Singh R/O Village- Sahwajpur Salem,
P.S.- Ahiyapur, District- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey
For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 406,
420 and 120(B) of the Indian Penal Code and later the learned
Magistrate found the case under Section 406 of the I.P.C.
against this petitioner.

The learned counsel for the petitioner submits that the
petitioner has antecedent of two cases and is a young boy of 20
years of age and is son of Tej Narayan. The learned counsel
submits that petitioner is being implicated in cases after cases



for the reason that his father is missing after taking loan from different persons. It is next submitted that the complainant alleges that the father of the petitioner along with the petitioner came to his house and borrowed Rs.1,00,000/- on 26.08.2017, thereafter Rs.1,00,000/- on 01.10.2017, and thereafter Rs.30,000/- on 24.08.2018 in presence of Sanjeev Kumar, Ram Naresh Sah, Ramakant Prasad and Prabhat Kumar. It is next alleged that the complainant went to the house of the petitioner to demand his money back, it was informed that the father of the petitioner is missing. Accordingly, legal notice was sent to Tej Narayan on behalf of the complainant to pay the outstanding amount.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case by the complainant by alleging that he had also accompanied his father when his father had come to obtain loan in presence of the witnesses as stated in the complaint. It is submitted that the petitioner never went with his father for getting the loan amount. It is also submitted that even the legal notice is in the name of his father. The learned counsel next submits that petitioner, being son of Tej Narayan, has been implicated in the present case when Tej Narayan is still missing since 2018.



The learned Additional Public Prosecutor opposes the anticipatory bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Complaint Case No.266 of 2019, 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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