

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18864 of 2022**

Arising Out of PS. Case No.-37 Year-2019 Thana- BALUA BAZAR District- Supaul

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Anand Kumar @ Anand Kumar Paswan, aged about 39 years, Male, son of  
Late Jagdish Paswan, resident of village – Bisanpur Gulami, Police Station –  
Balua Bazar, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Binod Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**

ORAL ORDER

2      08-08-2022                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner seeks bail in connection with Balua  
Bazar P.S. Case No. 37 of 2019, registered for the offences  
punishable under Sections 420, 120B, 379, 354B, 406, 504  
and 34 of the Indian Penal Code.

As per allegation, the petitioner and others have  
cheated the informant by misappropriation of retirement



benefits of deceased grandfather of the informant and getting appointment on compassionate ground.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that from bare perusal of the FIR, it is clear that no offence is made out against the petitioner. He further submits that the dispute is of civil nature and in such situation, the informant should have approached the Civil Court for redressal of his grievance. He also submits that the petitioner has clean antecedent and he has been languishing in jail since 11.01.2022.

Perused the material on record and I find that the dispute between the informant and the accused persons is in regard to appointment of legal heirs of deceased employee/grandfather on compassionate ground. The dispute between them is also with regard to partition and division of money coming out from the pensionary benefits of the deceased/grandfather. All such disputes are clearly of civil nature and in case of any disagreement or dispute in this regard, the informant should have approached the Civil



Court.

The petitioner has been languishing in jail since 11.01.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstance, particularly the nature of the dispute, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., Supaul in connection with Balua Bazar P.S. Case No. 37 of 2019 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to



remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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