

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35114 of 2021

Arising Out of PS. Case No.-169 Year-2018 Thana- GAMAHAIRIYA District- Madhepura

Mohan Kumar, Son Of Dwarika Singh Resident Of Village- Jhikarua
(Wrongly Written In Fir As Sikarua), P.S.- Narhat, District- Nawada.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh

For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-06-2022 At this stage, the learned counsel for the petitioner seeks permission to rectify his pleading made at Para-4 of the anticipatory bail application.

Permission is accorded.

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 and 420 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner has antecedent of one case under the Excise Act and the informant alleges that they run the brick-kiln in name of BSC Bricks and New Baba Brick Industry and for labour supply to their brick-kiln, labour mate Mohan Kumar (petitioner) had



taken Rs.6.5 lacs under an agreement, but the petitioner after taking the money neither supplied the labour nor returned the amount which he had taken in name of supplying the labour causing loss of Rs.20 Lacs to the brick-kiln.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case. Admittedly, from the F.I.R., it would manifest that whatever happened, happened between the two parties under an agreement and in the event, if there is any breach of the condition of the agreement, the remedy lies elsewhere. It is next submitted that in the nature of allegation, the dispute appears to be civil in nature.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner and taking into consideration the fact as stated at Para-8 of the present petition, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below



where the case is pending in connection with Gamharia P. S.
Case No.169 of 2018, 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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