

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27132 of 2022

Arising Out of PS. Case No.-274 Year-2019 Thana- COMPLAINT CASE District- Araria

AJAY KUMAR SON OF LATE CHANDRA KETU PRASAD SINGH R/O-
FLAT NO.- 303, NANDLOK APARTMENT, ROAD NO.-2, RAJENDRA
NAGAR, P.S.- KADAMKUAN, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. GAUTAM SON OF SRI SUNIL KUMAR SINGH PROPRIETOR M/S
MAHESHWRI DISTRIBUTER, R.B.LANE, FARBISGANJ, P.S.-
FARBISGANJ, DISTRICT- ARARIA (COMPLAINANT)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State and learned counsel for the complainant.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

The complainant alleges that his medicines got damaged in flood water which was insured by the Oriental Insurance Company and, accordingly, he was claiming his damages as per the insurance policy for which the petitioner had come to enquire the loss along with the Branch Manager, it is next alleged that they even gave a destruction certificate of the medicine which were found damaged during flood, further, that the Branch Manager and the Surveyor



made the complainant realize that he has a genuine claim worth Rs. 11,00,000/- and odd but then he will have to pay bribe to which the complainant refused, accordingly, the petitioner submitted a report negating the claim of the petitioner before the Branch Manager to which the complainant objected and, accordingly, a new Surveyor was appointed and the said Surveyor submitted his report finding the claim of the complainant to be genuine.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a surveyor. Learned counsel further submits that petitioner has been falsely implicated in the present case, it is next submitted that the report submitted by the petitioner was genuine as the complainant was breaching the conditions of the license by utilizing space much more than what was allowed as per the license, it is also submitted that as far as allegation of demanding bribe is concerned, the same is only in the realm of allegation as the petitioner did not favour the complainant by submitting a report in his favour for claiming damages on account of loss suffered by the complainant due to flood water.

Learned A.P.P. for the State and the learned counsel for the complainant opposes the prayer for anticipatory bail of the petitioner. Learned counsel for the complainant submits that no doubt every allegation is in a realm of allegation but then conduct of the parties demonstrates whether prima facie what has been alleged is true or not, it is next submitted that since the complainant was not willing to



pay a bribe of Rs. 3,00,000/- to the petitioner and the Branch Manager, as such, a false report was submitted by the petitioner as Surveyor, it is next submitted that on protest when new Surveyor was appointed, he submitted a report clearly stating that there was absolutely no breach of the condition of the license by the complainant and the loss was genuine but still the amount was not paid for which the complainant had to move before the learned Consumer Forum Arariya and the learned Consumer Forum after hearing the complainant and the Insurance Company was pleased to allow the claim of the present complainant and directed the Insurance Company to pay the said amount, it is thus submitted that this amply demonstrates that the report of the second Surveyor is genuine or else a judicial forum would not have approved the same.

Considering the submission made by the learned counsel for the complainant and the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail.

(Satyavrat Verma, J)

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