

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42175 of 2021**

Arising Out of PS. Case No.-118 Year-2021 Thana- SIMRI District- Buxar

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VIJAY SHANKAR PANDEY @ PINTU PANDEY SON OF LATE  
RAJENDRA PANDEY Resident of Village - Simari Ramopatti, P.S.- Simri,  
Distt.- Buxar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR  
2. Ganga Sagar Pandey S/o Shyam Narayan Pandey r/o village Simri  
Ramopatti, P.S. Simri, District Buxar.

... .. Opposite Party/s

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**Appearance :**

|                            |                        |
|----------------------------|------------------------|
| For the Petitioner/s :     | Mr.Ravi Shankar Pathak |
| For the Opposite Party/s : | Mr.Prem Kumar Jha      |
|                            | Ms.Pooja Kumari        |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      03-08-2022                      Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 406, 341, 323, 504, 506 of the Indian Penal Code.

As per the prosecution case, informant had given a cheque of Rs. 2,00,000/- (Two lacs) and cash of Rs. 9,39,000/- (Nine lacs thirty nine thousand) to the petitioner in presence of *punches* but it is alleged that after receiving the said amount, the petitioner is not refunding the same to the informant.

It is submitted on behalf of petitioner that F.I.R. has been lodged after a lapse of three years of alleged occurrence. In fact, petitioner has not taken any money or cheque from the



informant. Informant and petitioner are neighbours and only due to petty dispute, petitioner has been falsely implicated in this case.

However, by filing counter affidavit, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that said cheque and cash were received by this petitioner in presence of *Punches* and in support of the same, he has annexed entire copy of the F.I.R., relevant is at page 10 of the counter affidavit, wherein a receipt by the petitioner in presence of *Punches* are annexed.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner and same is, accordingly, rejected.

**(Prabhat Kumar Singh, J)**

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