

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41780 of 2021**

Arising Out of PS. Case No.-24 Year-2021 Thana- GURARU District- Gaya

MD. HASIB @ MD. HASIB ALAM S/O MD. FAKRUDDIN R/o village-
Bela, P.S.- Guraru, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Nityanand

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 06-01-2022 The matter has been taken up for online hearing
through video conference because of COVID-19 pandemic
restrictions.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of Guraru
P.S. Case No. 24 of 2021, disclosing offence punishable under
Sections 406/420 of the Indian Penal Code.

The petitioner is in custody since 27.02.2021. The
informant has alleged in the FIR that this petitioner and other
co-accused persons, misrepresenting themselves to be traders,
had purchased paddy from the informant on consideration
amount of Rs. 71,000/- against which they paid Rs. 10,000/-



only on an assurance that rest of the amount shall be paid subsequently. It is alleged that the petitioner is not paying the remaining amount of paddy. It has also been stated that the persons named in the FIR have cheated other farmers also, in similar manner.

Learned counsel appearing on behalf of the petitioner has submitted that no offence under Section 406 of the Indian Penal Code can be said to be made out on the basis of what has been alleged in the FIR. He further submits that it is purely a dispute of civil nature between the petitioner and the informant and a malicious criminal case has been instituted.

Considering the nature of accusation and the period for which the petitioner has remained in custody, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned J.M. 1st Class, Gaya, in Guraru P.S. Case No. 24 of 2021.

(Chakradhari Sharan Singh, J)

Rajesh/-

U		T	
---	--	---	--

