

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34698 of 2022

Arising Out of PS. Case No.-135 Year-2021 Thana- PASRAHA District- Khagaria

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RAJEEV KUMAR SAH S/o Jai Prakash Sah @ Jay Prakash Sah Resident of
Village- Dudhaila, at present Village- Korchakka, P.S.- Parsaraha, District-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta
Mr. Jitendra Kumar Giri

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-09-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offence punishable under section 406 and 420 of the IPC.

Allegedly, the informant sold 27 quintals of paddy in two dates to the petitioner, whose total price is Rs.53,562.96/- but petitioner deposited Rs.35,967/- in the account of informant's mother and he did not pay Rs.17,596.96/- on repeated demand



by the informant whereas the petitioner says that he got only 19 quintals. It is further alleged that the petitioner threatened that he would not give the rest of money.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the entire allegation brought against the petitioner is baseless and whole prosecution story is concocted. He further submits that in the impugned order passed by the Learned Sessions Judge, Khagaria it is mentioned that there is no any paper regarding rest paddy which was sold by the informant. Prima facie this is not a case under section 406, 420 of IPC. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of



Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties
of the like amount each to the satisfaction of the learned court
below where the case is pending/Successor Court in Pasraha
P.S. Case No.135 of 2021, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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