

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54360 of 2021

Arising Out of PS. Case No.-220 Year-2019 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Shivmunni Pal Son Of Sri Rajkumar Pal R/O Village- Sonhar, P.O.- Nathua,
P.S.- Shivsagar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kamlesh Kumar Son Of Sri Jai Govind Pal R/O Village- Panahi, P.O.-
Nauhatta, P.S.- Nauhatta, District- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dudh Nath Singh
For the Opposite Party/s : Mr.Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-08-2022 Learned counsel for the informant has filed counter
affidavit in Court today, which is kept on record.

Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection
with Complaint Case No.220 of 2019, registered for the offence
punishable under Section 406 of the Indian Penal Code.

The petitioner is said to have purchased sheep but did
not pay the price of the sheep to the sellers.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. It is further submitted that the petitioner has got no
criminal antecedent as stated in paragraph-3 of the bail



application. It is submitted that the complainant in the complaint petition has not mentioned about any agreement between the parties. It is also submitted that the dispute is civil in nature.

Learned APP for the State as well as learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner and submits that during inquiry, complainant has got himself examined on oath under Section 200 Cr.P.C. and he has produced three inquiry witnesses, out of which two witnesses are those sheep farmers who are also said to be cheated by the petitioner. The witnesses have fully supported the prosecution case. It is said that the petitioner purchased 28 sheep for Rs.68,000/- of the complainant and paid Rs.14,000/- to him and the balance amount has not been paid till date.

Taking into consideration the fact that cognizance has been taken against the petitioner under Section 202 of the Indian Penal Code, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Anjani Kumar Sharan, J)

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