

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69761 of 2021**

Arising Out of PS. Case No.-100 Year-2009 Thana- SHIVSAGAR District- Rohtas

=====

Pritam Kumar Sahu @ Pritam Kumar Gupta S/O Krishna Kumar Sahu @
Krishna Kumar Sah R/O Village- Bawanganj, P.S.- Korah, District- Katihar
(Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Madhura Nand Jha

=====

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 26-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a

case registered for the offences punishable under

Sections 341, 420, 406, 120(B), 323, 504 of the Indian

Penal Code.

It is alleged by the informant that he is the

whole sale dealer of food-grains. The accused persons

came at his shop and contracted to purchase 700 quintal

rice @ 1250/- per quintal amount to Rs. 8,83,755/-.

They also agreed to pay the amount when the articles



will reach at the destination. The informant accordingly delivered the articles in their respective destination. But thereafter the accused persons denied to pay the amount of the articles. The informant has sent legal notices to the accused persons but all went in vein.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case. The petitioner was not named in the complaint petition which is the basis of the case. There is no any evidence on record to connect the petitioner in the above offence nor the petitioner has any concern with the accused persons named in the complaint petition. The name of the petitioner has transpired in this case during course of investigation on the statement of co-accused Mukesh Khandewal in which he has stated that he paid money to co-accused Abhimanyu Bhagat and his Bhagina i.e. the petitioner. It is also submitted that the present case is misuse of process of law as without verifying the facts and documents of alleged transaction,



the petitioner has been made accused merely on the oral statement of one of the prime accused who has been named in the F.I.R.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Shivsagar P.S. Case No. 100 of 2009, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Shageer/-

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

