

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.724 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- MAJORGANJ District- Sitamarhi

CHANDAN KUMAR Son of Sri Shibeshwar Prasad @ Bisheshwar Sherma
Resident of Village - Dashara Bazar, P.S.- Kotwali,(in FIR P.S. Wrongly
Written as Dashara Bazar), Distt.- Munger at present Posted as Circle Officer,
Block- Balia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Madhubala Verma, Adv.

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Sections 406, 420 of the IPC.

The allegation against the petitioner is that he had taken
Rs.21,96,000/- from the informant for purchase of flat and when
he demanded it back, petitioner returned 45,000/- and assured to
return the remaining amount but later on refused to pay the
same and started giving threatening of life.



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. It is submitted that the dispute between the parties regarding transaction of money. There is no documentary evidence regarding payment of the amount by the informant as alleged in the FIR. It is further submitted that the petitioner has also filed a case against the informant on the same date. Petitioner has one criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the petitioner has not returned back the money given to him by the informant and there is an allegation against him of threatening the informant.

Having regard to the facts and circumstances of the case, since the dispute is regarding transaction of money and there is lack of documentary evidence regarding payment of alleged money, 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 connection with Mejorganj P.S. Case No.115 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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