

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5280 of 2023

Arising Out of PS. Case No.-51 Year-2020 Thana- LALGANJ District- Vaishali

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PRAHALLAD KUMAR BHAGAT SON OF BHUBNESHWAR BHAGAT
R/O VILLAGE- MOHIUDINPUR, P.S.- VAISHALI, DISTRICT- VAISHALI
AT HAJIPUR (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Adv.

For the Opposite Party/s : Mr.Jai Narain Thakur, APP.

Mr. Ashok Kumar Garg, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-04-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 406, 420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

The prosecution case, in brief, is that petitioner, along with other person, had executed a *Mahadnama* in favour of informant but when the informant requested him to execute the sale deed, they refused the same. Later on, when the informant demanded his money, petitioner is said to have given a Cheque of Rs. 10 lacs which got dishonoured. Several legal notices were also sent to the petitioner but he did not give any reply nor



returned the money.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is civil dispute between the parties. The whole prosecution case is false and concocted and has been filed to put pressure upon the petitioner. He further submits that the informant had received all the alleged money from the petitioner in August 2017 and not returned the original Mahadnama after taking a good faith. It is further submitted that the informant wants to extort some more money from the petitioner that is why he has filed the present case against the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as the nature of the dispute is of civil nature, 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
Lalganj P.S. Case No. 51 of 2020, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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