

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5019 of 2023

Arising Out of PS. Case No.-55 Year-2020 Thana- BARBIGHA District- Sheikhpura

Md. Serajuddin @ Md. Sirajuddin @ Md. Serajuddin Ansari S/O Md. Badruddin Resident Of Village- Moriya Ghat (Merya Ghat), Gaya, P.S.- Kotwali Gaya, Distict- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar

2. Indu Bhushan Singh, S/o late Jagdish Pd. Singh, R/o Vill- Maur, P.S.- Bar Bigha, Dist- Shekhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 11-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Barbigha P.S. Case no. 55 of 2020, registered under sections 420, 379 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that a sum of Rs.1,35,700/- had been given by the informant to the petitioner for supply of timber but the same was not supplied. As such the instant F.I.R.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He seriously disputes the allegations levelled in the F.I.R and submits that the



allegations are civil in nature. It is further submitted that although he will deposit a sum of Rs.1,35,700/- in the learned Court below for payment of the same to the petitioner, however the same may not be taken to be an admission for the purpose of the instant case and it may also be directed that the same shall be subject to any civil suit etc. which the petitioner may file with respect to his liability to pay the same.

5. The application for anticipatory bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant submits that he does not oppose the application for bail of the petitioner in case the amount of Rs.1,35,700/- as stated in the F.I.R, is paid to him. He further does not dispute that the same may be subject to any civil suit which may be filed by the petitioner.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R. together with the submissions made, it is directed that the petitioner shall pay a sum of Rs.1,35,700/- through the learned Court below to the informant within a period of three weeks. On payment of the same, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released



on anticipatory bail in connection with Barbigaha P.S. Case no. 55 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura.

(Partha Sarthy, J)

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