

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9845 of 2023

Arising Out of PS. Case No.-63 Year-2022 Thana- KIUL District- Lakhisarai

RAKESH KUMAR @ CHOTE RAJAK S/O LATE BULLAK RAJAK
Resident of Village- Nandanwa, P.S.- Ramgarh Chowk, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Raju, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Kiul P.S. Case No.63 of 2022, registered for offence under Section 406 of the IPC.

The allegation is regarding the petitioner having taken a sum of Rs.9,70,000/- from the informant, however, he refused to return the same. It is also alleged that this fact was scribed on the non-judicial stamp paper of Rs.100.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he



has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that at best, the allegations levelled by the informant are in the nature of civil dispute and in case the petitioner wants specific performance of the agreement scribed on non-judicial stamp paper of Rs.100, he should approach civil Court having competent jurisdiction, however, no criminal offence is made out.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that *prima facie*, the allegation levelled in the present case are in the nature of civil dispute for which remedy lies before the learned civil Court having competent jurisdiction, I deem it fit and proper to admit the petitioner to the privilege of



anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Kiul P.S. Case No.63 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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