

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12980 of 2023

Arising Out of PS. Case No.-512 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Aditay Nath Jha @ Subodh Kumar Jha Son Of Late Shree Krishan Jha R/V-
Hanuman Nagar, Near Stadium Road, P.S.- Madhubani Town, District-
Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Singh Son of Late Rambalak Singh Ashok Kumar Enterprises
Pvt. , R/o Gangasagar Bhauara, P.O. and P.S.- Madhubani Town, District-
Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 20-06-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

Though *vakalatnama* has been filed by learned
counsel for O.P. no. 2 but nobody appears on behalf of O.P. No.
2.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 420,
406, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner has filed a
supplementary affidavit stating therein that on the earlier date
of hearing learned counsel for O.P. No. 2 has pointed out that



the petitioner has suppressed one criminal antecedent. In supplementary affidavit filed by learned counsel for the petitioner, it is stated that the petitioner has already been acquitted by the learned Court below in the said case and, in proof thereof, a copy of the said judgment of the learned Court below is enclosed as Annexure-1 to the supplementary affidavit.

As per the prosecution case, the petitioner has taken loan of Rs. 5,00,000/- (Rupees Five Lakh) from the complainant on the occasion of his daughter's marriage and, thereafter, the petitioner did not return back the same to the complainant.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that the petitioner has given Rs. 5,00,000/- to the O.P. No. 2 on 09.09.2014 and the said amount has been returned back to the petitioner in the year 2017. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.



Considering the facts and circumstances of the case and the fact that there is business/money dispute between the parties, which is civil in 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 C.R. Case No. 512 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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