

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22777 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- ITARHI District- Buxar

RAJ KUMAR RAWANI Son of Hari Kishun Rawani Resident of village-
Basudhav, Police Station-Itarhi, District-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection
with Itarhi P.S. Case No. 05 of 2023, registered for the offence
punishable under Sections 419,420 and 406 of the Indian Penal
Code.

It is submitted that the petitioner had taken a loan for
carrying on some business on the basis of a mortgage. The
petitioner has not honoured the loan to its full and has also not
honoured the mortgage.

Learned counsel for the petitioner submits that the
allegations essentially make out a civil dispute between the
parties. It is nothing more than an issue of accounting based on
dealing between the informant and the instant petitioner, who



is a shopkeeper which is apparent from the FIR itself. The prosecution is intended to *mala fide* and coercive in nature.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, nature of allegation, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned J M Ist Class Court No. 14, Buxar, in connection with Itarhi P.S. Case No. 05 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the



petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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