

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27942 of 2023

Arising Out of PS. Case No.-4409 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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BHOLA KUMAR S/o Rajeshwar Ray Resident of Mohalla-Polsan Road,
Near Polsan Factory, P.O. and P.S.-Digha, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. UMESH KUMAR PRASAD S/o Banai Singh Permanent Resident of
village-Sakara Faridpur, P.S.-Sakara, P.O.-Dholi, Dist.-Muzaffarpur, At
Present Residing at 50A/1605, Near Budha Dental College, P.S.-Patrakar
Nagar, Dist.-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh

For the Opposite Party/s : Mr.Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 30-08-2023 Heard the learned counsel for the petitioner and the learned

A.P.P. for the State as also the learned counsel appearing for the

complainant.

2. This is an application for grant of anticipatory bail in

connection with 4409 (C)/2021, registered for the offence

punishable under Section 420 of the Indian Penal Code.

3. The case of the complainant, in brief, according to the

complaint petition, is that the petitioner had gradually developed

close relation with the complainant and thereafter, the petitioner

had requested the complainant to give him a loan of Rs.

5,00,000/- for a period of six months as he was in dire need of

money, whereupon the complainant had arranged a sum of Rs.



5,00,000/- and handed over a cheque for the said amount to the petitioner in presence of his wife and then, the said amount of Rs. 5,00,000/- was credited in the account of the petitioner on 14.1.2020. It is further alleged that after six months, the complainant had requested the petitioner to pay back the said amount of Rs. 5,00,000/-, however, he refused to pay back the same.

4. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The petitioner is stated to be an accused in four other criminal cases. The learned counsel for the petitioner has further submitted that the matter be sent for mediation so that the matter can be settled amicably, however, the learned counsel appearing for the complainant has refused consent for the same. Nonetheless, when this Court had asked the learned counsel for the petitioner as to whether the petitioner is at least willing to pay 50% of the amount in question to the complainant, the learned counsel for the petitioner has flatly refused.

5. Per contra, the learned APP for the State and the learned counsel appearing for the complainant have vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case,



considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that prima facie, a case is definitely made out against the petitioner for the offences alleged, upon a bare perusal of the materials on record including the complaint petition, apart from the fact that the petitioner is a veteran criminal, having a bad antecedent, I do not find the present case to be at least a case for grant of anticipatory bail, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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