

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34526 of 2023

Arising Out of PS. Case No.-63 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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SHAMBHU KUMAR @ SHAMBHOO KUMAR Son of Sarju Yadav
Resident of village - Bagga Tola, P.S. - Phulwari Sharif, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Santosh Kumar, son of Late Ramanand Thakur, resident of Jaiprakash Nagar, Road No.2, P.S. Rajiv Nagar, District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Prem Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP
For the O.P. No.2	:	Mr. Anju Dilbar Krishna, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 4 30-11-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State assisted by learned counsel for the opposite party no.2.
2. The petitioner apprehends his arrest in Complaint Case No. 63(C)/2020 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.
3. Petitioner is said to have taken money from the complainant/opposite party no.2 in the name of selling of land but the said land does not belong to him.
4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to land dispute. It is further



submitted that this complaint petition has been filed after lapse of five years. It is further submitted that the dispute between the parties is civil in nature for which criminal prosecution has been launched. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel for the opposite party no.2 vehemently opposing the bail petition submitted that the petitioner has given an undertaking in favour of opposite party no.2 in presence of witnesses that he shall return the entire amount i.e. Rs.3,70,000/- to him within a period of six months by paying Rs.50,000/- per month. It is further submitted by learned counsel for the opposite party no.2 that petitioner has given a cheque of Rs.50,000/- on 05.03.2019 which got dishonoured. It is lastly submitted that considering the conduct of the petitioner, he does not deserve anticipatory bail.

6. Having heard learned counsel for the parties and perusing materials available on record, I find substance in the submission of learned counsel for the opposite party no.2. In that view of the matter, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner



surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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