

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30894 of 2023

Arising Out of PS. Case No.-1839 Year-2012 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Budhinath Prasad @ Budhu Sah Son Of Late Sobhit Sah R/O Village- Harine,
P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bipin Kumar Mishra Son Of Late Jagarnath Mishra R/O Village- Harine,
P.S.- Harlakhi, District- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 17-10-2023 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 406, 420,
379, 323 of the Indian Penal Code.

3. Allegation against the petitioner is that he took Rs.
4 lacs from the informant for delivering the bricks but he never
delivered the brick nor returned the said amount.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in this
case. He submits that the present case is the civil nature dispute
and petitioner had already delivered the bricks to the informant.



He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State and learned counsel for the complainant oppose the prayer for bail.

6. Considering the nature of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Complaint Case No. 1839 of 2022.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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