

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32880 of 2023

Arising Out of PS. Case No.-2676 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. BIRJU SAH SON OF PAHALAD SAH R/O Village- Rajepur, P.S. Dhaka, District-East Champaran
 2. RAMRAJ SAH SON OF KAILASH SAH R/O Village-Yadopur Nakaar, P.S. Dhaka, District-East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Madhusudan Jayswal @ Munna Ji R/O Mohalla Kolhwarwa Near Awadhesh Chowk P.O. Motihari, P.S. Town Motihari, District-East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
For the Opposite Party/s	:	Mr. Tapeswar Sharma
	:	Mr. Anil Kumar
	:	Mrs. Pooja Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned APP for the State assisted by learned counsel for the complainant.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406 and 417 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, complainant gave Rs. 3,75,000/- to the accused persons including the petitioners in advance to purchase the scrap and sell in his shop, but the accused persons have neither sold scraps in the shop of the



complainant nor returned his money, thereafter the present complaint case has been filed by the complainant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that on 04.10.2022 co-accused Sunil Sah has lodged an F.I.R. against the complainant thereafter after investigation the police has filed final form against the complainant and in the said F.I.R. the petitioners are the witnesses and thereafter, the present complainant case has been lodged against the petitioners on 20.10.2022. He submits that there is no specific overt act against the petitioners. He further submits that there is business related dispute between the parties. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State as well as learned counsel for the complainant opposes the prayer for bail and submits that petitioners are involved in the present case and with the help of the petitioners co-accused Sunil Sah has not returned the amount of Rs. 3,75,000/- to the complainant. Hence, they do not deserve anticipatory bail.

6. Considering the aforesaid facts and circumstances and the fact that there business transaction dispute between the



parties, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Complaint Case No.2676/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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