

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35465 of 2023**

Arising Out of PS. Case No.-45 Year-2022 Thana- LAKHISARAI District- Lakhisarai

BINAY MODI @ VINAY KUMAR GUPTA S/O CHANDI MODI R/O
Village-Panjabi, Mohalla Ward No. 16, P.S.-Lakhisarai, Dist.-Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanju Singh, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 27-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420 of the Indian Penal Code.

3. Allegedly, there is direct allegation of committing cheating against the petitioner. Petitioner is said to have taken cloth worth Rs. 81,000/- after payment of Rs. 11,000/- as advance and made an agreement that the rest amount will be paid within two months but no money was paid till now and when the informant asked for his money, petitioner abused and assaulted him.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence.



No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that informant has not signed any agreement, only sign of the petitioner was found on the alleged agreement, which is also enclosed in Annexure 2. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Lakhisarai P.S. Case No. 45 of 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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