

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38094 of 2023**

Arising Out of PS. Case No.-3384 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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PAPPU KUMAR SON OF LATE SURESH PRASAD RESIDENT OF
VILLAGE-DULHIN BAZAR, PS- DULHIN BAZAR, DISTT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajiv Kumar son of Prem Narayan Prasad Village- Pai Bigha Ps- Main Dist-
Gaya A/p- Ashok Nagar Ps- Kankarbagh Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ghanshyam Tiwary
For the Opposite Party/s :	Mr. Satya Nand Shukla
	Mr. Uday Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-10-2023 Heard learned counsel for the petitioner, learned counsel for
the opposite party no.2 and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 323 and 406/34 of
the Indian Penal Code.

3. The petitioner is said to have taken Rs.1,14,140/- from the
complainant through different modes and when the
complainant demanded the same he refused to return the
aforesaid amount.

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. It is further submitted that the



reason behind the false implication of the petitioner is that the complainant developed illicit relation with the wife of the petitioner, namely, Kanchan Devi and when the petitioner and other family member found both of them thereafter the complainant admitted and given an undertaking and stated that from on wards they will give respect to their family relationship and never commit the same and feel sorry before the petitioner and family members of the petitioner that they will not carry forward the said illicit relation with the wife of the petitioner. The aforesaid fact is also supported by the mother of the said Kanchan Devi and an informatory petition was filed by the mother of the said Kanchan Devi in which it is mentioned that there is illicit relation of Rajeev Kumar with Kanchan Devi and this informatory petition is annexed as Annexure-III to this application. Petitioner has two criminal antecedents as mentioned in para-3 of this application. Out of two in one case final form has been submitted by the Police finding the case as not true and in another case petitioner is on bail.

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 Complaint Case No. 3384 (C) of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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