

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37108 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- KURSAKANTA District- Araria

DEVI LAL SAH SON OF LATE RAM NIHORA SAH RESIDENT OF
VILLAGE - KUARI, P.S. - KURSAKANTA (KUARI), DISTRICT -
ARARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, PATNA
2. AJIT KUMAR GUPT @ MUKESH GUPTA SON OF RAMCHANDRA
GUPTA RESIDENT OF VILLAGE - KUARI, P.S. - KURSAKANTA
(KUARI), DISTRICT - ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amit Kumar Anand, Adv.
For the Opposite Party/s	:	Mr.Surendra Prasad Singh, APP Mr.Mukesh Kumar Rana, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 406 and 420 of the IPC.

3. Allegedly, the petitioner being the *Munshi* of the
informant's father used to manage all the field work like
cultivation of land, collection of rents from shops, to assign the
labourers for cultivation of land, collection of money by selling
the crops and send all the money to the informant's family but
after death of the father of the informant, the petitioner did not



give any money. When the informant demanded the same, he admitted to have received all the money and made acknowledgment deed of the same. It is further alleged that the petitioner contracted to sell the land of the informant and taken money from some people and in this way, he has misappropriated huge amount of the informant.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that the petitioner has already given the said amount to the informant/his family members, which is clear from the receipts enclosed with the supplementary affidavit filed on behalf of the petitioner. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the petitioner has not given the alleged amount to the informant.

6. Having regard to the facts and circumstances of the case and considering that there is a civil dispute between the parties, 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 Kursakanta (Kuari) P.S. Case No.40 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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