

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39253 of 2023

Arising Out of PS. Case No.-331 Year-2020 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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AJAY KUMAR KARN, SON OF HIRDAY NR. DAS, RESIDENT OF MOHALLA- SADAR HOSPITAL RAOD, WARD NO. 29, PS- MADHUBANI TOWN, DISTRICT- MADHUBANI.
AT PRESENT C/O VARUN KUMAR JHA, RESIDENT OF VILLAGE- GANGA SAGAR COLONY OF BHUAURA, P.S.- MADHUBANI TOWN, DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANIL KUMAR JHA, SON OF LATE SHRESTH NARAYAN JHA, RESIDENT OF VILLAGE- MAHI NATH PUR, P.S.- BASOPATTI, DISTRICT- MADHUBANI.
AT PRESENT C/O- SHIV KANT JHA, RESIDENT OF VILLAGE- ADARSH NAGAR, P.S.- MADHUBANI TOWN, DISTRICT- MADHUBANI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr. Vikramdev Singh, Advocate Mr. Gagan Deo Yadav, Advocate Mr. Vinod Kumar, Advocate
For the State	: Mr. Yogendra Kumar Singh, APP
For the Opposite Party No.2	: Mr. Baxi S.R.P. Sinha, Sr. Advocate Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned Senior counsel appearing for the opposite party no.2.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 331 of 2020, registered under sections 406, 420, 384, 466, 467, 468 and 471 of the Indian Penal Code.

3. As per the prosecution case, based on the complaint



filed by the opposite party no. 2, it is stated therein that the petitioner, who is a property dealer, used to work in the capacity of the complainant's agent. Several transactions by way of advance and commissions took place between the complainant and the petitioner, details of which has been given in the complaint. Some blank cheques with signature of the complainant were also handed over to the accused persons. It is stated that on the complainant enquiring about the agreement for sale, the accused persons demanded Rs. 31 lacs by way of extortion and thus, the complaint was filed.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The statement of the complainant in course of enquiry is at variance with the allegations made in the complaint petition. The cause of false implication of the petitioner is that on an earlier occasion this petitioner had lodged an F.I.R against the complainant under section 138 of the Negotiable Instruments Act and sections 420, 406 besides other sections of the Indian Penal Code. The complainant had to move for and was granted anticipatory bail vide order dated 03.07.2023, passed in Cr. Misc. no. 9217 of 2021, in which case the petitioner herein was the opposite party no. 2. It was subsequent to the lodging of the said case by this



petitioner that the instant case has been lodged by the complainant in retaliation.

5. The prayer for anticipatory bail of the petitioner is opposed by learned A.P.P. for the State and learned Senior counsel appearing for the opposite party no.2.

6. Learned Senior counsel appearing for the opposite party no.2 submits that the allegations levelled in the complaint would be substantiated from the financial transactions between the parties, a number of which is through banking transactions. Further referring to paragraph no. 9 of the complaint, learned Senior counsel submits that the *alto* car belonging to the complainant-opposite party no.2 has been kept by the petitioner.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the complaint and the instant complaint having been filed against the petitioner two months after the petitioner filed a case under section 138 of the Negotiable Instruments Act besides other sections against the complainant herein together with the complainant herein having been enlarged on bail in the said case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in



connection with Complaint Case no. 331 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Madhubani, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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