

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44429 of 2023**

Arising Out of PS. Case No.-2083 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Raja Ram Mahto Son Of Late Feku Mahto Resident Of Village -KHANPUR,
Ps- Khanpur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 25-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Cr. Com. Case 2083 of 2019 registered for the offences
punishable under Sections 323, 379, 406 and 504 of the Indian
Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the complainant
alleges that petitioner approached him for a loan of Rs.
3,50,000/- for which five *kattha* 19 *dhur* of land was mortgaged
by the petitioner and it was agreed that petitioner will pay Rs.
10,000/- annually in lieu of the crop and will cultivate the land
also and will keep paying the amount till the loan amount is
redeemed but did not pay the amount after one year, as agreed.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted from perusal of the allegations as alleged in the complaint it would manifest that the dispute is purely civil to which a criminal colour has been given. It is next submitted that if there was any agreement either written or oral and the same stands breached, then the complainant has remedies elsewhere and definitely not by resorting to a criminal case.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or 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. 10,000/- (Rupees Ten 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 Cr. Com. Case 2083 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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