

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43560 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

Abhay Kumar Son Of Lohadi Singh R/O Village- Baghakol, P.O.- Sihadi,
P.S.- Haspura, District- Aurangabad. Petitioner/s

Versus

1. The State Of Bihar
2. Brajesh Kumar Son Of Sitaram Singh R/O Village- Katariya, Post- Ekauuni,
P.S.- Daudnagar, District- Aurangabad Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

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

3. The allegation against the petitioner is that an agreement was made between both the parties regarding a tractor, valued at Rs.6,65,000/- and the complainant gave Rs. 1,50,000/- in two installments that is on 08.07.2017 and 10.07.2017 to the petitioner.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has falsely been implicated in the present case. He submits that as complainant has alleged that



he has given two installments to petitioner but not any receipt has been shown by him. He further submits that petitioner has not received any money from the complainant and the cognizance has been taken against the petitioner on 01.03.2023 by the learned Judicial Magistrate First Class, Daudnagar, Aurangabad under Section 406 of the Indian Penal Code. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent as mentioned in para-3 of this bail application

5. Learned counsel for the State as well as complainant have vehemently opposes the prayer for anticipatory bail of the petitioner.

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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No. 92 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

Saurabhkr/-

U		T	
---	--	---	--

