

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47580 of 2023

Arising Out of PS. Case No.-29 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Laxmi Shankar Prasad @ Gopaljee S/O Late Satya Narayan Prasad R/O Mohalla- Ram Gopal Complex, Gola Road, Ward No. 23, P.S- Nagar, Distt.- Samastipur.
 2. Mantun Yadav @ Mantu Kumar S/O Munni Lal Yadav R/O Village- Jitwarpur, Near Sapna School, Block-D, P.S- Muffasil, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Amrit Chaudhary S/O Ashok Kumar Chaudhary R/O Mohalla- Mulchand Road, Ward No. 21, P.S- Nagar, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 08-11-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Complaint Case No. 29(C) of 2021 dated 06.01.2021 registered for the offence punishable u/s 341, 506 and 380 of the Indian Penal Code.

4. As per the prosecution case, the petitioners took the



possession of rented shop of the complainant and started selling his products worth Rs. 20,00,000/- (Rupees Twenty Lakh) due to non-fulfillment of due amount of rent of his shop, whose owner is petitioner no.1. Further, it is alleged that the petitioners did not return his security amount of Rs. 10,00,000/- (Rupees Ten Lakh).

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that petitioner no.1 has never taken amount of Rs. 10 lacs as security money from the complainant. It is further submitted that the complainant has neither produced any agreement paper regarding rent of shop nor he produced any receipt regarding security money. The petitioner no.1 has eight criminal antecedents whereas petitioner no.2 has one criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of



the like amount each to the satisfaction of learned Court concerned, Madhepura in connection with Complaint Case No. 29(C) of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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