

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53171 of 2023

Arising Out of PS. Case No.-1570 Year-2016 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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UDAY SHANKAR KUMAR S/o Ravindra Kuar Resident of Village-Piru
Malahi, P.S.-Sarai, District-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar.
2. BAL MUKUND SAH S/o Late Bulkan Sah Resident of Village-Akbar
Malahi, P.S.-Sarai, District-Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh
For the Opposite Party/s	:	Mr. Shahabuddin Azeem @ S. Azeem
For the O.P. No.2	:	Mr. Shanti Bhushan Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and learned A.P.P.

for the State assisted by learned counsel for the opposite party

no.2.

2. The petitioner apprehends his arrest in a case registered

for the offences punishable under Sections 420 & 406 of the

Indian Penal Code.

3. The allegation against the petitioner is that he had taken

Rs.3 lakhs from the complainant for the marriage purpose of

his daughter with an assurance that the same shall be returned

after six months or land would be transferred in lieu of the

money but neither the money was returned nor the land has

been transferred.



4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. It is further submitted that the dispute between the parties is of money transaction, which is purely civil in nature, for which with a *mala fide* intention the criminal prosecution has been launched. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel for the opposite party no.2 vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case as also the fact that the dispute *inter se* is purely civil in nature, 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 Complaint Case No. C I 1570 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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