

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61265 of 2023

Arising Out of PS. Case No.-99 Year-2019 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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LAL BABU KUMAR son of Sri Chanarik Yadav Village- Khalilpura Ps-
Karpi Dist- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Birendra Kumar Sinha son of Sri Vishundeo Singh Village- Khalilpura Ps-
Karpi Dist- Arwal

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Advocate
	:	Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-10-2023 1. Heard learned Counsel for the petitioner and
learned counsel for opposite party no. 2.

2. This application, for grant of anticipatory bail,
arises out of complaint case no. 99 of 2019, disclosing offences
punishable under Sections 420, 406 of the Indian Penal Code.

3. As per the allegation made in the complaint
petition, filed by opposite party no. 2, the petitioner, who is
working in Army, had taken Rs. 5,50,000/- in cash on
07.08.2012 for providing job to the brother of the complainant
namely Dhirendra Kumar Singh in Military Engineering
Service. Thereafter, he again took Rs. 3 lacs on 07.08.2012 itself
and further he took them to Nasik and supplied him forged



appointment letter. It has further been alleged that a *panchayati* was held and a *panchnama* was prepared, wherein the petitioner along with one another accused person agreed to pay Rs. 7,80,000/- to the opposite party no. 2 i.e. the complainant, wherein other conditions were also laid down regarding mode and manner of payment and it has been mentioned that after full payment, Karpi PS case no. 70 of 2014 would be compromised.

4. Mr. A.K. Thakur, learned Counsel appearing for the petitioner submits that for same and similar allegation, earlier Karpi PS case no. 70 of 2014 was lodged by the opposite party no. 2 against the petitioner and others, however a co-ordinate Bench of this Court has granted regular bail to the petitioner by an order 30.06.2016, passed in Cr. Misc. no. 16544 of 2016. He further submits that charge-sheet was submitted in Karpi PS case no. 70 of 2014 on 31.01.2016 and cognizance was taken. At the stage of framing of charge, the petitioner filed a discharge petition which was rejected by the learned trial court vide order dated 29.11.2017 and being aggrieved by the same, the petitioner filed a quashing application before this Court bearing Cr. Misc. no. 32461 of 2018, in which, a co-ordinate Bench of this Court, vide order dated 31.07.2018, while issuing notice to the opposite party no. 2, has stayed further proceedings before



the trial court. After stay of the further proceedings in Karpi PS case no. 70 of 2014, the present complaint petition has been filed by the opposite party no. 2 on 24.05.2019 on the pretext of same and similar allegation as made in Karpi PS case no. 70 of 2014 with further complaint that the petitioner has breached the terms of compromise.

5. On the other hand, learned counsel for the opposite party no. 2 opposed the prayer for bail and submitted that the petitioner and opposite party no. 2 entered into a compromise, in which the petitioner agreed to return Rs. 7,80,000/- to opposite party no. 2 but has failed to honour the terms of compromise.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that for same and similar allegation, opposite party no. 2 has filed a case against the petitioner bearing Karpi PS case no. 70 of 2014, in which the petitioner was granted bail by this Court, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal in connection with Complaint Case No. 99 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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