

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65599 of 2023

Arising Out of PS. Case No.-559 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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Vinay Kumar Chaudhary S/O- Late Rajaram Chaudhary Village- Chhota
Bariyarpur Ps- Chhatauni Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kishore Sahani son of Ramdeo Sahani Village- Lakhaura Ps- Lakhaura Dist-
East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Muffasil (Lakhaura) P.S. Case No. 559 of 2020, G.R. Case No.
8929 of 2020 dated 03.12.2020, instituted for the offence
punishable under Sections 406, 420, 323 and 504, 1860 (IPC) of
the Indian Penal Code.

3. The prosecution case, in short, is that, the
complainant filed a complaint petition alleging therein, that the
main profession of the informant is fishing and the petitioner is
Mantri and cashier of Motihari Prakhand Matasyajeevi Sahyog
Samitee Ltd. In the meeting of Executive Samitee of District



Fishery Officer-cum-Chief Executive Officer, the petitioner settled the Gadhi-pond of Lakhaura having Khata No.- 594, Khesara No.- 2989, Area- 1.41 acres in favour of Group leader namely, Kishorilal Sahani and Bihari Lal Sahni, Kishore Sahani (informant), Lal Bahadur Sahani and Bajarang Sahani from 01.07.2019 to 30.06.2022 and annual revenue Rs. 10,500/- and Samitee Commission Rs. 1575/- in total Rs. 12,075/- was fixed and accordingly, the informant and other members started business fishing in said pond. In the meantime, the informant had deposited Rs. 2,50,000/- through receipt no. 13 dated 05.05.2019 as security deposit. Thereafter, again meeting of Executive Samitee was held on 22.06.2020 and the petitioner being head of the Samitee deleted the names of the informant and his brother from the list of settlement and issued second list on the said date. When the informant and his brother demanded the money, the petitioner misbehaved them.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is *mantri* and cashier of Motihari Prakhand Matasyajeevi Sahyog Samitee and for the first time the pond in question was settled in the name of five persons including the informant namely, Kishore Sahni and



his brother namely, Lal Bahadur Sahni and thereafter the informant had deposited security money of Rs. 2,50,000/- vide receipt no. 13 dated 05.05.2019 in the name of Samitee, but the said settlement was cancelled by Commissioner, Tirhut Division at Muzaffarpur in Jalkar Bandobasti Appeal No. 220 of 2019 *vide* order dated 20.03.2020. It is further submitted that petitioner is ready to return the security money of Rs. 2,50,000/- to the informant. Lastly, it has been submitted that the petitioner has three criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Muffasil (Lakhaura) P.S. Case No. 559 of 2020, G.R. Case No. 8929 of 2020, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, subject to condition as laid down under Section 438(2) of the Cr.P.C. and further on payment of Rs. 2,50,000/- by way of demand draft to the



concerned court in favour of Kishore Sahani.

7. The court below will ensure deposit of Demand Draft of Rs. 2,50,000/- in favour of Kishore Sahani, the informant, before acceptance of the bail bond. Further, the court below will issue notice to the informant and upon his appearance will hand over the Demand Draft of Rs. 2,50,000/- to him.

(Khatim Reza, J)

Sankalp/-

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