IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72038 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

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SHIVKUMAR RAM son of Sri Harihar Ram Village- Deordhya Ps- Rajpur Dist- Buxar

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sunil Kumar, Advocate
For the Opposite Party/s : Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Buxar (Industrial) P.S. Case No. 206 of 2023 dated 01.08.2023 registered for the offences punishable u/ss 379, 406, 420, 467, 468 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant obtained insurance policy of Bajaj Allianz Company in the name of his mother namely, Parwati Devi in which the informant was nominee. When the informant’s died, the informant claimed for the release of the insurance amount, the insurance company declined the payment. Thereafter, the informant engaged the petitioner as an advocate to file the case before the District Consumer Forum against the insurance company. Thereafter, cheques of Rs. 7,03,838/- was paid to the informant by the insurance company. It is further alleged that the said cheque was not given to the informant by the petitioner. The petitioner advised the informant to open a separate bank account and at the time of opening new account, wrong address was given by the accused persons. Thereafter, the petitioner in connivance of other co-accused persons obtained the signature of the informant on the withdrawal form and withdrew Rs. 2,00,000/- from his account and thereafter Rs. 1,00,000/- was taken by the accused persons as commission of the case. Again on 10.05.2019, the petitioner and the co-accused persons withdrew Rs. 2,50,000/- from the account of the informant by making his forged signature.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel has further submitted that the informant got closed his saving account of Central Cooperative Bank, Rajpur on 23.04.2021 and after two years, he filed the present case against the petitioner and others only with a view to teach lesson to the petitioner in retaliation to Buxar P.S. Case No. 557 of

2020 filed on behalf of the petitioner against the informant. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has one criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Buxar in connection with Buxar (Industrial) P.S. Case No. 206 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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