

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73142 of 2022

Arising Out of PS. Case No.-551 Year-2021 Thana- SHASTRINAGAR District- Patna

ANJAY KUMAR Son of Ram Sharan Shah Resident of Mithila Colony, P.S-
Digha, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Adv.
For the Opposite Party/s : Mr.Dr. Indivar Kumari, APP
Mr.Raj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s
341/342/323/324/307/384/379/504/506/34 of the IPC.

Allegedly, the informant paid Rs.11,98,000/- to one Gauri
Shankar Jha for the purchase of his house made on one Kattha 2
dhur land, where after, the informant came to know that there is
a title suit pending for the said land. Thereafter, he asked for
refund of the said amount and after mediation, it was decided
that Ritesh Kumar and Sanjiv Kumar will refund the money. It
is alleged that on 05.09.2021, the petitioner and other accused
persons came at the house of the informant and petitioner



assaulted him with lathi.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the name of petitioner has been dragged in this case only because, the informant for business transaction gave a cheque No.800002059 amounting to Rs.20,000/- on 06.09.2021 in the name of Mina Kumari, wife of Pyaray Lal (sister-in-law) of the petitioner and when the cheque was placed for the bank to credit the amount in the account, it was returned on 08.09.2021 with a memo that “payment stopped by drawer” (Annexure-2 of the application). It is further submitted that there is civil dispute between the parties. Petitioner has two criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is civil dispute between the parties, 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 Shastri
Nagar P.S. Case No.551/2021, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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