

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3580 of 2023

Arising Out of PS. Case No.-101 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

ANIL KUMAR SINGH S/o Satish Kumar Singh R/o Village- Hurahi P.S.-
Harlakhi, Distt- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Taiyab S/o Roudi Rain R/o Village- Madhubani tola, So-th Gaon, P.O.
So-th Gaon, P.S.- Harlakhi, Distt- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. Rajesh Kumar, Adv.
For the Opposite Party/s :		Mr.Ram Naresh Ray, APP. Mr. Soban Asghar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-08-2023 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 341, 379, 420, 120(B), 511 of the Indian Penal Code and later on cognizance has been taken under Section 406 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 01.10.2019, the petitioner demanded Rs. 1,50,000/- from the complainant with a promise that he would return the same within one month. As both the parties have friendly relations, the complainant gave the said amount to the petitioner through cheque bearing no. 648108 on 05.10.2019. It is further alleged that after lapse of months, when the complainant asked the petitioner for returning



the said amount, instead of returning money, he started abusing and assaulting the complainant and snatched the mobile from his possession.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is false and based on concocted facts. The real fact is that the complainant took an amount of Rs. 3,00,000/- from the petitioner and when the petitioner asked for the alleged amount to return, the complainant filed this false case against him. He further submits that there is no evidence on record that can show that this petitioner took an amount of Rs. 1,50,000/- from the complainant. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the complainant oppose the prayer for bail and submit that allegation levelled against the petitioner is totally based on real facts as there is mention in the complaint petition that the complainant gave an amount of Rs. 1,50,000/- through cheque bearing no. 648108.



6. Having regard to the facts and circumstances of the case, as there is money transaction related 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 C.R. Case No. 101 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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