

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3157 of 2023

Arising Out of PS. Case No.-202 Year-2021 Thana- SONEPUR District- Saran

BIRENDRA RAI S/o Late Shiv Balak Rai R/o village- Parpejabad, P.S.-
Sonpur, Distt-Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Atul Shankar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 504, 506, 406 and 379 of the Indian Penal Code pending in the learned court below.

Allegation against the petitioner is that neither he completed the construction work nor he returned back the amount taken by him.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that one of the labour has filed a complaint case before the learned Court below of which petitioner is a witness, therefore, the present case is lodged by



the informant against him. He submits that the occurrence took place on 01.10.2020 but FIR lodged on 13.04.2021. He further submits that there is delay of 5 months of filing of the present FIR and there is no any explanation of it which creates serious doubt about the prosecution case. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances and the fact that there is money related dispute between the parties, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Sonepur P.S. Case No.202/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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