

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13883 of 2024

Arising Out of PS. Case No.-1012 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Kundan Kumar Son of Late Ajay Keshari @ Late Ajay Kumar Keshari
Resident of Village- Dev, P.S.- Sikrahata, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kapildev Gupta Son of late Ramtawakya Sah Resident of Village-Dev, P.S.-
Sikrahata, Distt.-Bhojpur

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-03-2024 Heard Mr. Manoj Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1012 (C) of 2022 for the offence under Sections 323, 420 and 504 of the I.P.C. lodged on 10.08.2022 by the informant, Kapildev Gupta.

3. As per the complaint, the complainant alleged that due to good relationship with the father of this petitioner and trusting the family, Rs. 1,00,000/- was given to the petitioner in the month of September, 2020 in the presence of his father (who subsequently died on 15.11.2021) for opening a hardware shop. The petitioner was required to pay Rs. 2,000/- per month. The



allegation is that although for next five months, the payments were made whereafter, the petitioner choose to refuse payment and thereafter upon protest, assaulted the complainant. A legal notice was sent, not replied which followed the complaint.

4. Learned counsel for the petitioner submits that no such payment was made, allegation is that it was made in the presence of his father, who subsequently died, only after his death, the said complaint.

5. Learned APP on the other hand points out that the complaint is not that his father took the money whereafter the complainant want payments from the son (petitioner herein) rather it is the specific case of the complainant that in the presence of his father, the amount was given to him.

6. In that background, it would be appropriate that the petitioner seeks bail. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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