

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10124 of 2024

Arising Out of PS. Case No.-157 Year-2021 Thana- JADIA District- Supaul

CHANDAN KUMAR @ CHANDAN SHAH Son of Sri Ram Chandra Sah
Resident of Village-Kishanpur Bailor, P.S.-Kurhani, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAMESH SAH Son of Sukhdev Sah Resident of Village-Datua (Manganj West), Ward No. 9, P.S.-Jadiya, District-Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Anand

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State Mr. Jharkhandi Upadhyay.

2. The petitioner apprehends his arrest in connection
with Jadia P.S. Case No. 157/2021 registered for the offence
punishable under Sections 406 and 420 of the Indian Penal
Code.

3. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case. It is
next submitted that though the F.I.R. has been instituted under
sections 406 and 420 of the Indian Penal Code but then the
police has sought non-bailable warrant of arrest against the
petitioner on the ground that petitioner did not respond to a



notice issued under Section 41(A) of the Cr.P.C. but then petitioner never received any notice under Section 41(A) of the Cr.P.C. It is further submitted that the dispute is purely civil to which a criminal colour has been given as the informant alleges that he had supplied maize worth Rs.1,72,06,263/- to the petitioner and the petitioner paid an amount of Rs. 1,38,33,736/- as such the rest amount of Rs.33,72,527/- was not paid, for which, the instant F.I.R. has been instituted. It is thus submitted that in the nature of allegation the dispute is purely civil to which a criminal colour has been given and prima facie no offence under sections 406 and 420 of the Indian Penal Code is made out as the transaction was purely commercial. It is also submitted that though the informant is alleging that an amount of Rs.33 lac and odd is due, which is to be paid to the petitioner but then petitioner has his own story of accounting. It is next submitted that at the cost of repetition that petitioner never received any notice under section 41(A) of the Cr.P.C.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1, Supaul in connection with Jadia P.S. Case No.157/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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