

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14231 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- SARAN COMPLAINT CASE District-
Saran

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Shiv Kumar Singh S/O Late Ram Pravesh Singh R/O Village- Bikrampur,
P.S- Marhowrrah, Distt.- Saran.

... .. Petitioner/S

Versus

1. The State of Bihar
2. Harendra Prasad Rai S/O Dinesh Rai R/O Village- Kharsuni, P.S-
Marhowrrah, Distt.- Saran

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Tr. No. 1057 of 2023 arising out of Complaint Case No. 15 of 2023 in which cognizance has been taken under Sections 406 and 420 of the Indian Penal Code.

3. As per the prosecution case, the complainant extended loan of Rs. 4 lakh to the petitioner for opening of the pathological lab. Later on the petitioner returned Rs. 1.5 lacs and sought time to return of the rest amount of Rs. 2.5 lacs. But later on the petitioner refused to return the money.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. No offense under Section 406 and 420 IPC is made out from the facts of the case. The petitioner has neither committed any breach of trust nor cheated the complainant. It further appears that the dispute arose over sharing of profit and when notice was sent by the complainant, the petitioner specifically replied that he has returned the money taken from the complainant. The present case has been lodged only to pressurize the petitioner. The petitioner has got no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and considering the civil nature of dispute, lack of substantive material against the petitioner and possibility of false accusation, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Saran in connection with Tr. No. 1057 of 2023 arising out of Complaint Case No. 15 of 2023, subject to conditions as laid



down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Arun Kumar Jha, J)

Prakash/-

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