

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14662 of 2024

Arising Out of PS. Case No.-557 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Pawan Kumar Jha, Son of Sada Nand Jha, Resident of Mohalla -Arariya,
Ward No. 13, P.S- Arariya, Sangram (OP), Distt- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabhat Ranjan @ Prabhat Ranjan Jha @ Dipak Kumar Jha Son Of Shyama Charan Jha Resident Of Mohalla -ALPURA, Ps- Rudrapur, Distt- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Complaint Case No.557 of 2022 registered for the alleged offences under Sections 323, 341, 417, 420, 406 of the Indian Penal Code.

3. As per prosecution case, the petitioner entered into an agreement with the complainant for purchase of a shop along with articles lying there for an amount of Rs.6,60,000/- and the payment was to be made in 24 equal monthly installments of Rs.27,500/-, but the petitioner failed to make payment in terms of agreement and when the same was demanded, abused and



assaulted the complainant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has made certain payments to the complainant and only amount of Rs.1,72,696/- remained due and after deducting Rs. 60,000/- i.e. the cost of superstructure created by the petitioner, the balance amount came to Rs.1,12,696/- as would appear from the message dated 31.01.2022 received from the complainant. The learned counsel further submits that it is merely a commercial transaction and none of the offences as alleged in the complaint petition are made out against the petitioner.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the civil nature of dispute without any specific allegation for doing any offence of cheating and fraud, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-I,
Madhubani, in connection with Complaint Case No.557/2022,
subject to conditions mentioned in Section 438(2) of the Cr.P.C.
and the following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the court below, if so
required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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