

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24425 of 2024

Arising Out of PS. Case No.-11 Year-2016 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Sudhir Kumar @ Sudhir Kumar Singh S/O Binod Singh @ Binod Kumar
Singh Resident Of Village Baradhi Police Station Dinara District Rohtas At
Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anurag Kumar Singh S/o Shri Vijay Singh R/o vill - Manaura, P.s. - Dehri,
Distt. - Rohtas At Sasaram

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 11 of 2016 dated 18.06.2016 instituted for
the offence punishable under Sections 406, 420, 467, 468 and
506 of the Indian Penal Code.

3. The allegation against the petitioner is that he had
taken a total of Rs. 2,30,000/- from the complainant for
purchasing a JCB i.e. Rs. 2,00,000/- by cheque on 07.05.2014 &
Rs. 30,000/- in cash on 20.06.2014 and thereafter petitioner
promised to make payment of the said amount to the
complainant but despite several requests made by the



complainant, the petitioner did not return the money and threatened to kill the complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the complainant was examined on solemn affirmation under Section 202 of Cr.P.C. and after recording his statement and one court witness namely, Deepak Kumar was examined and thereafter, the learned Court below has found that there is a prima facie case against the petitioner and vide order dated 21.08.2017, the Court has taken cognizance under Section 406 of the I.P.C. only. It is further submitted that the complainant neither issued any cheque in the name of the petitioner nor given any loan of Rs. 2,30,000/- nor executed any document in favour of the complainant. The complainant has made a false and fabricated document to hatch conspiracy against the petitioner. It is further submitted that petitioner was appointed as an Assistant in Axis Bank in the month of August, 2015 and in the month of February 2016, he suffered from brain Hemorrhage and admitted in a hospital at New Delhi. Thereafter he suffered from Paralytic attack and went to Vellore and Varanasi for his treatment. It is further submitted that petitioner is a physically disabled person and



cannot do physical movement as per the certificate issued by the Medical Superintendent, CMO, Rohtas at Sasaram on 17.07.2017. It is further submitted that the dispute between the parties is purely civil in nature. Lastly, it has been submitted that the petitioner has no criminal antecedents.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No. 11 of 2016, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

sankalp/-

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