

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32598 of 2024

Arising Out of PS. Case No.-6005 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Md. Mahtab @ Mahtab Son of Md. Aftab Resident of Ganga Ghat, P.S.-
Sultanganj, District- Patna, at present Mohan Bulet Rajendra Nagar Path,
Pirmohani, P.S.- Gandhi Maidan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rishikesh Narayan Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks anticipatory bail, apprehending
his arrest, in connection with Complaint Case No. 6005 (C) of
2022, registered for the offences punishable under Section 420
of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is
that the Complainant and the Petitioner were well known to
each other and were having good relations. When the Accused-
Petitioner was in need of money for running his motor parts
business, the Complainant gave him Rs. 20,00,000/- as loan
which was to be returned till 08.02.2022. A written agreement to
this effect was also made between the parties, but the Accused-



Petitioner has not returned the said amount.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged facts and circumstances at most constitute a dispute of civil nature because it is a case of repayment of loan to be made by the Complainant to the Accused-Petitioner and in case of non-repayment of loan the Complainant has remedy to file appropriate civil suit. He further submits that in the Complaint nowhere she has alleged any *mens rea* since inception. As such, no offence under Section 420 of the Indian Penal Code is made out.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the



date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate-Ist Class, Patna, in connection with Complaint Case No. 6005 (C) of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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