

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44254 of 2024

Arising Out of PS. Case No.-1445 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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SUBODH KUMAR BHADANI SON OF LATE SHEO SHANKAR PRASAD RESIDENT OF MOHALLA - NEAR VIJAY BANK, FATEH BAHADUR SHIVALA ROAD, P.S.- KOTWALI, DISTRICT - GAYA, BIHAR.

... .. PETITIONER/S

VERSUS

THE STATE OF BIHAR

... .. OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s	:	Mr. Nawaz Shareef , Advocate
		Mr. Akash Kumar Mishra, Advocate
For the Opposite Party/s :		Mr. Surendra Prasad Singh, APP
For the informant	:	Mr. Anil Kumar Sinha, Advocate
		Mr. Satya Veer , Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-08-2024 Heard learned counsel for the petitioner, informant and the State .

2. Petitioner apprehends arrest in a case registered for the offence punishable under section 420 of the Indian Penal Code .

3. As per the prosecution case, in the year 2012-13, complainant purchased cement from the petitioner and during this period, he gave a total sum of Rs. 22 lakhs to the petitioner without taking any written document for buying the cement, but



after taking the said amount, petitioner stopped giving cement to the complainant, and the said amount has not been returned to the complainant yet.

4. Learned counsel for the petitioner submits that even as per the complaint petition, the alleged money was given in the year 2012-13 and complaint petition has been lodged after lapse of five years which itself creates doubt over the veracity of the entire prosecution case . No chit of paper has been filed or mentioned in the complaint petition in support of the allegation and as such, no criminal offence is made out against this petitioner. At best, the dispute is of civil nature for which petitioner has got other alternative remedy before the Court below.

5. Learned counsel for the State as well as complainant opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned JMFC Gaya in connection with Complaint case No. 1445 of 2019, subject to the conditions laid down under



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

(Prabhat Kumar Singh, J)

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