

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39345 of 2024

Arising Out of PS. Case No.-448 Year-2023 Thana- AAJAM NAGAR District- Katihar

Badal Kumar Yadav Son of Prafull Prasad Yadav @ Prafull Yadav R/O Vill.-
Mohra Baghnocha, P.S.- Azamnagar Salmari O.P., Dist.- Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Tasovar Son of Md. Anwarul R/O Vill.- Laskarwbari, Post- Belbari,
P.S.- Azamnagar, Salmari O.P., Dist.- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr.Adv.

Mr. Pawan Kumar, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-09-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offence under Sections 420, 406, 467, 468,
323, 506, 307, 379, 384, 427, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that this petitioner
alongwith other co-accused under a conspiracy took Rs.
36,71,540/- from the informant/opposite party no. 2 for making
him authorized Aadhar Centre. It is further alleged that on
29.1.2023, when the informant asked the petitioner about the
amount, petitioner threatened him to kill by brandishing pistol.



It is next alleged that petitioner and his family members assaulted informant and snatched silver chain from him and also refused to return the amount.

4. Learned counsel for the petitioner submits that from bare perusal of the F.I.R., it is apparent that petitioner and informant were business partners and it is a partnership dispute. From perusal of paragraph – 11 of the bail petition, it is apparent that petitioner has already returned due amount alongwith interest to opposite party no. 2. Moreover, the dispute is purely of a civil nature, for which, opposite party no. 2 has got some other remedy. Petitioner claims clean antecedent.

5. However, learned counsel for the informant vehemently opposes the prayer for anticipatory bail.

6. Considering the fact that dispute is purely of a civil nature and the fact that petitioner has already returned due amount alongwith interest to opposite party no. 2 coupled with the fact that petitioner has got clean antecedent, the prayer for anticipatory bail of petitioner is allowed.

7. Let the above named petitioner, in the event of his arrest/surrender before the Court below within a period of eight weeks from today, 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 learned Chief Judicial Magistrate, Katihar in connection with Azamnagar (Salmari O.P.) P.S. Case No. 448 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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