

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37451 of 2023

Arising Out of PS. Case No.-951 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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RAKESH KUMAR S/O KRISHNA SINGH R/O Mohalla Takiya, Sasaram,
PS. Sasaram (T), Dist. Rohtas. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHYAMDEO MISHRA S/O MUNESHWAR MISHRA R/O Vill. vishopur,
P.O. Khanethi, PS. Karagashar Dist. Rohtas at Sasaram, At present R/O
Mohalla. Companysarai, P.O. Sasaram, PS. Sasaram (Model), Rohtas at
Sasaram

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Chhote Lal Mishra, Advocate
		Mr. Jyoti Prasad, Advocate
For the State	:	Mr. Umeshanand Pandit, APP
For the O.P. No.2	:	Mr. Ashutosh Tripathi, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 08-02-2024 Heard learned counsel for the petitioner and learned A.P.P.

for the State assisted by learned counsel for the opposite party

no.2.

2. The petitioner apprehends his arrest in a case registered

for the offences punishable under Sections 409, 420 & 120B of

the Indian Penal Code.

3. One Vikash Kumar has demanded Rs.3.5 lakhs from the

complainant to develop his shop with an assurance to return it.

After repeated requests, he did not return the money. The

allegation against the petitioner is that he was also with the said

Vikash Kumar.

4. It is submitted by learned counsel for the petitioner that



no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the petitioner has been made accused in this case because he is full brother of the said co-accused, Vikash Kumar. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel for the opposite party no.2 opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case as well as the fact that the dispute in question is money dispute which is purely civil in nature, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 951 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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