

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46022 of 2024**

Arising Out of PS. Case No.-37 Year-2024 Thana- BODHGAYA District- Gaya

AVINASH ARUN SON OF LATE ANIL KUMAR RESIDENT OF
MOHALLA -PACHHATTI, PS- BODHGAYA, DISTRICT -GAYA

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s
Appearance :
For the Petitioner/s : Mr. Ramakant Singh, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-08-2024 Heard learned counsel for the petitioner and the
State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 406, 420, 467, 468, 471,
385, 341, 323, 504, 506/34 of the Indian Penal Code .

3. As per the prosecution case , on 08.01.2024 at
09:00 PM, this petitioner alongwith other co-accused persons
came to the house of informant and abused and assaulted her. It
is further alleged that petitioner also threatened the informant to



kidnap her son and to kill him, if she does not agree to his terms. It is further alleged that *Afroz Alam* (co-accused) threatened the informant that he has a five lac rupees check allegedly issued by her, and if she will not give the rupees back then she would be implicated in a false case by him. It is further alleged that since husband of the informant died, this petitioner who is her family member used to keep her bank passbook, cheques, and land papers and he also issued forged checks and agreements in her name in favour of this petitioner.

4. Learned counsel for the petitioner submits that both the parties are agnates and there is family property dispute between them for which partition suit No. 245 of 2021 is pending before the Court of Civil Judge – III Gaya . Only with a view to settle the civil dispute this false and concocted case has been lodged by the informant against the petitioner. There is twelve days delay in lodging the F.I.R., for which there is plausible explanation which itself casts serious doubt over the entire prosecution case . Petitioner claims clean antecedent.

5. Learned counsel for the State 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 CJM Gaya in connection with Bodhgaya P.S. case No. 37 of 2024 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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