

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48450 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- BIHPUR District- Bhagalpur

Sumit Kumar Jha SON OF LATE KALIKANAND JHA VILLAGE-
BHRAMARPUR, PS- BIHPUR, DIST- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Pandey, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.
Mr. Rajesh Kumar, Adv.
Mr. Ranjan Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-09-2024 Heard Mr. Dhananjay Pandey, learned counsel for the
petitioner, Mr. Dilip Kumar No.1, learned A.P.P. for the State
and Mr. Rajesh Kumar, learned counsel for the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420
of the Indian Penal Code.

3. As per FIR, the petitioner had taken an amount of Rs.
Seven Lacs Twenty One Thousand from the informant, but the
aforesaid amount has not been returned to the informant with a
view to grab the same.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
No such occurrence as alleged has ever taken place. He has



been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is no evidence available on record to support the prosecution case. It is further submitted that the petitioner has been granted the benefit of 41A of the Cr.P.C. The charge sheet has also been submitted against the petitioner. It is further submitted that there is civil dispute between the parties. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail. Learned counsel for the informant submits that the present application is not maintainable as the petitioner has been granted the benefit of Section 41A of the Cr.P.C. Hence, he does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, since the charge sheet has been submitted against the petitioner and there is no specific overt act against him, 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 Bihpur Jhandapur P.S. Case No. 122 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

