

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55650 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. SHAMBHU SARAN RAI SON OF LATE UDESHWAR MAHTO R/V- KHARHAT, P.S.- SAHEBPUR KAMAL, DISTT.- BEGUSARAI
 2. VISHWAJEET KUMAR @ KUMAR VISHWAJEET SON OF SHAMBHU SHARAN RAI R/V- KHARHAT, P.S.- SAHEBPUR KAMAL, DISTT.- BEGUSARAI
 3. SURAJ KUMAR SON OF UMESH MANDAL R/V- HARIPUR, P.S.- ALAULI, DISTT.- KHAGARIA

... .. Petitioner/s

Versus

1. The State of Bihar
2. RANJAN KUMAR SON OF SAKALDEO PRASAD R/V- SHREEPUR, P.S.- CHERIYA BARIYARPUR, DISTT.- BEGUSARAI, MOB NO. 9155166015

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar
For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State, Mr. Rabindra Kumar.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 386, 406, 420 and 467 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the complainant alleges that he carries business of selling fish and the accused persons including the petitioners are also involved



in the said business, further the complainant was supplying fish to the accused persons in terms of an agreement and was receiving his money, but later the accused stopped payment hence dues mounted to Rs. 8 Lakhs, further the petitioners paid an amount of Rs. 1 Lakh, but still Rs. 7 Lakhs was not paid and when the complainant demanded his money, he was assaulted.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the complainant. It is next submitted that the complaint petition and the evidence which has come during the course of inquiry are lacking in details and is cryptic. It is next submitted that the complaint does not even remotely suggest that as to when the agreement was entered in between the petitioners and the complainant with respect to business of fishery. It is also submitted that even presuming what has been alleged is true without admitting then the dispute is purely civil to which a criminal colour has been given. It is next submitted that the instant criminal complaint case has been instituted only to coerce the petitioners into submission so that under the fear of arrest they accede to the fanciful demand of the complainant. It is also submitted that petitioners do not owe any money to the complainant and in the event if the complainant is aggrieved by



the fact that the petitioners in terms of the agreement have not given the money due to the complainant or have breached the clause of the agreement in that event complainant has remedy of approaching the Court of competent civil jurisdiction.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 137(C) of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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