

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56230 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

1. Shivbhushan Vaghmare Sonof Sri Shivkumar Ram Resident Of Village - Devdhiya, Police Station - Rajpur In The District Of Buxar
 2. Gopal Krishna Singh Son Of Late Shyamnandan Chaudhary Resident Of Mohalla - Shivpuri, Police Station - Buxar Town In The District Of Buxar
- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Buxar (Industrial) P.S. Case No. 206 of 2023 dated 01.08.2023 registered for the offences punishable under sections 379, 406, 420, 467, 468/34 of the Indian Penal Code.

3. As per the prosecution case, the informant obtained insurance policy of Bajaj Allianz Company in the name of his mother namely, Parwati Devi in which the informant was nominee. When the informant's mother died, the informant claimed for the release of the insurance amount, the insurance company declined the payment. Thereafter, the informant engaged the co-accused Shiv Kumar Ram as an advocate to file



the case before the District Consumer Forum against the insurance company. Thereafter, cheques of Rs. 7,03,838/- was paid to the informant by the insurance company. It is further alleged that the said cheque was not given to the informant by the co-accused, Shiv Kumar Ram. The co-accused, Shiv Kumar Ram advised the informant to open a separate bank account and at the time of opening new account, wrong address was given by the accused persons. Thereafter, the petitioners in connivance of other co-accused persons obtained the signature of the informant on the withdrawal form and withdrew Rs. 2,00,000/- from his account and thereafter Rs. 1,00,000/- was taken by the accused persons as commission of the case. Again on 10.05.2019, the petitioners and the co-accused persons withdrew Rs. 2,50,000/- from the account of the informant by making his forged signature.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. He has further submitted that the informant got closed his saving account of Central Cooperative Bank, Rajpur on 23.04.2021 and after two years, he filed the present case against the petitioners and others only with a view to teach lesson to the petitioners and others in retaliation to Buxar P.S. Case No. 557 of 2020 filed on



behalf of the petitioners against the informant. It is further alleged that the petitioners have no concern with the alleged offence. The co-accused person has already been granted anticipatory bail by this Court vide order dated 07.11.2023 passed in Cr. Misc. No. 72098 of 2023. The petitioner no. 1 has no criminal antecedent whereas the petitioner no. 2 has one criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Buxar in connection with Buxar (Industrial) P.S. Case No. 206 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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