

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57921 of 2024

Arising Out of PS. Case No.-76 Year-2018 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Sobhnath Sah, Son of Late Shiv Kumar Sah @ Veer, Resident of Laxman
Nagar, Bihiyan Ward No. 3, P.S. - Bihiyan Bazar, District - Bhojpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Singh, Son of Mr. Kapilmunni Singh Resident of Village -
Aathar, P.S. - Navanagar, District - Buxar, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansh Prasad, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-09-2024 Heard Mr. Ansh Prasad, learned counsel for the

Petitioner and Mr. Surendra Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection with

Complaint Case No. 76 (c) of 2018 dated 24.01.2018 registered for

the offences punishable under Sections 406, 420 and 504 of the

Indian Penal Code.

3. Learned counsel appearing for the petitioner submits

that the petitioner is a man of clean antecedent and as per

allegation made in the complaint, the instant matter relates to non-

payment of price of 50 quintal and 84 kilograms paddy at the rate

of Rs. 1141/- per quintal which was purchased by the petitioner

but the petitioner never purchased the paddy from the complainant

on credit and has always disbursed the payment at the time of



purchase and the entire allegation in Complaint dated 24.01.2018 is misleading, false and concocted and has been made with an ulterior motive to implicate and disgrace the petitioner in false case. It is further submitted that even if the allegation is presumed to be true, it is obvious that the substance of accusation in the instant complaint based on a dispute arising out of accounting which mainly attracts a civil wrong. Learned counsel further submits that there is no material evidence or any independent witness to connect the petitioner with offence alleged in the complaint.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Having considered the nature of allegation appearing against the petitioner from the complaint and the main grievance raised by the complainant is the non-payment of the price of 50 quintals and 84 kilograms of paddy at the rate of Rs. 1141/- per quintal which was purchased by the petitioner and also coupled with the petitioner's fair and clean antecedent, in my opinion, it is fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the Court concerned in connection with Complaint Case No. 76 (c) of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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