

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58684 of 2024

Arising Out of PS. Case No.-533 Year-2022 Thana- PARBATTa District- Khagaria

1. Subhash Chandra Singh S/O Ram Charitra Singh R/O Village- Nayagaon Shiromani Tola, P.S- Parbatta, Distt.- Khagaria.
2. Ram Charitra Singh S/O Late Borahan Singh R/O Village- Nayagaon Shiromani Tola, P.S- Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-09-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Parbatta PS case no. 533 of 2022, disclosing offences punishable under Section 420 and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the complaint-cum-First Information Report, is that the informant/ complainant sold 392 sacks of maize worth Rs. 2,68,000/- to the petitioners, out of which, a sum of Rs. 2 lacs has been paid through cheque with a promise that remaining amount shall be paid later on. On 02.10.2020, when the informant/ complainant demanded the



balance amount, petitioner no. 1 bitten the informant/complainant's finger, due to which, blood started oozing out and he refused to return the balance amount. Petitioner no. 2, thereafter abused the informant and also assaulted him with lathi.

4. Learned Counsel for the petitioners submits that petitioners are father and son. From perusal of complaint-cum-F.I.R., it is evident that there is commercial relationship between the parties and the allegation of cheating upon the petitioners relates to the commercial transaction. Learned counsel further submits that an F.I.R. bearing Parbatta PS Case No. 379 of 2020 was lodged by petitioner no. 1 against the informant/complainant on 05.10.2020 and thereafter, in retaliation, a complaint was lodged by the complainant/ informant on 23.11.2020.

5. Having regard to the facts and circumstances of the case and taking into consideration the fact that F.I.R. arises out of a commercial transaction between the parties and the fact that the F.I.R. lodged by petitioner no. 1 is prior in time, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.



7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria in connection with Parbatta PS case no. 533 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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