

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56542 of 2023

Arising Out of PS. Case No.-179 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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KAMLESH KUMAR @ KAMLESH SINGH son of Late Dineshwar Prasad
Singh Village- Hela Ps- Bheldi Dist- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihari Lal Rai son of Late Dineshwar Prasad Singh Village- Katsa Ps-
Bheldi Dist- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Manoj Kumar, Adv.
For the Opposite Party/s :	Mr. Jai Narain Thakur, APP.
	Mr. Sanjay Kumar Jha, Adv.
	Mr. Anant Kumar Bhaskar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 12-01-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 467, 468 and 494 of the Indian Penal Code.

3. The prosecution case, in brief, is that the complainant runs a flour mill in name of his son and having faith on petitioner, the complainant purchased 24 tones of wheat at the rate of Rs. 1700 per quintal and paid money for the wheat on the same day, but on 07.12.2021, Digba police came at the flour mill of the complainant and arrested him saying that the alleged purchased wheat was stolen.



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 ever took place. He has been falsely implicated in this case due to ulterior motive. The real fact is that both the complainant and the petitioner have been made accused under Section 392 of the Indian Penal Code in Digha P.S. Case No. 738 of 2021 with the allegation that both are involved in selling and purchasing of the stolen wheat. It is further submitted that the complainant himself is a man of dual character who used to purchase so many stolen articles on several occasion and when Digha police arrested him along with stolen wheat from his flour mill, then due to annoyance, he narrated fake story that the alleged wheat was sold by the petitioner to him. It is further submitted that two cases have been lodged for the same occurrence, one by the police and another by the complainant. In Digha P.S. Case No. 738 of 2021, petitioner was granted regular bail by the learned Court below. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the complainant opposed the prayer for bail and submitted that there is serious allegation against the petitioner to sell the



alleged stolen wheat to the complainant knowingly. Hence, he does not deserve the privilege of the anticipatory bail.

6. Having regard to the facts and circumstances of the case, as two cases were lodged for the same occurrence, 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 Complaint Case No. 179 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Petitioner is directed to cooperate in the trial and remain physically present as directed by the Court and on his absence on two consecutive dates, the prosecution will be at liberty to file an application for cancellation of bail bond of the petitioner before the learned Court below.

(Anjani Kumar Sharan, J)

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