

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68380 of 2023

Arising Out of PS. Case No.-24 Year-2019 Thana- TURKAULIYA District- East Champaran

MANISH UPADHYAY @ MANISH KUMAR UPADHYAY S/o- DURGA PRASAD UPADHYAY Village- Mallik Parsa Ps- Mallik Parsa Dist- Maharajganj UP P/A- Village- Gandhinagar Nautanwa W.No-25, Ps- Nautanwa Dist- Maharajganj UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey
For the Informant	:	Mr. Vijay Shankar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-03-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State assisted by learned counsel for the informant.

2. The petitioner apprehends his arrest in Turkauliya (Banjariya) P.S. Case No. 24 of 2019 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. The petitioner is said to have taken four truck of paddy from the informant worth Rs.12,41,011/- out of which the petitioner has paid Rs.1,00,000/- to the informant and rest amount of Rs.11,41,011/- remained dues and in spite of several requests made by the informant the petitioner refused to pay the same.

4. It is submitted by learned counsel for the petitioner that no



such occurrence as alleged ever took place. He has been falsely implicated in this case with mala fide intention only take an undue advantage. It is further submitted that the petitioner has already returned all the money to the informant. It is further submitted that moreover it is a case of money dispute which is civil in nature. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Learned counsel for the petitioner lastly submits that he has challenged the order passed under Sections 82 and 83 Cr.P.C. before this Court by filing the quashing application. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel for the informant vehemently opposing the bail petition submitted that the processes under Sections 82 and 83 Cr.P.C. has already been issued against the petitioner. Hence, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case as well as the fact that the processes under Sections 82 and 83 Cr.P.C. has already been issued against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within



six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

7. The petitioner would be at liberty to move before this Court for grant of anticipatory bail if he succeeds in quashing application.

(Anjani Kumar Sharan, J)

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