

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68083 of 2023

Arising Out of PS. Case No.-489 Year-2021 Thana- COMPLAINT CASE District- Araria

KAILASH PRASAD SINHA, Son of Bhola Prasad Sinha Resident of Village-Tofir Tamganj Ward No. 12, Police Station-Narpatganj, District-Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sarswati Kumari, Wife Of Mithun Kumar Bahardar Daughter Of Parmeshwar Bahardar Resident Of Village-Rampur North, Police Station-Forbesganj, District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 05-03-2024 1. The learned counsel for the petitioner submits that the notices on behalf of opposite party no.2 was received by the grandmother of the opposite party no.2. Accordingly, a jointness application has been filed
2. In view of the submission made by the learned counsel for the petitioner, the notice is deemed to have been validly served.
3. Heard learned counsel for the petitioner and learned APP for the State.
4. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 420, 354B, 341, 323, 504 and 379 of the Indian Penal



Code.

5. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and from perusal of the allegation as alleged in the F.I.R., it would manifest that though the complainant alleges that an amount of Rs.,130,000/- was given to the petitioner, but then, there is no chit of paper to even remotely substantiate the said allegation. It is further submitted that even presuming what has been alleged is true without admitting, then the dispute is purely civil and if any amount was given in cash by the complainant to the petitioner in that event, complainant had remedy of redeeming the same through civil proceeding. It is next submitted that since there is nothing on record to show that any transaction in between the complainant and the petitioner ever took, as such, it appears that the opposite party no.2 despite receiving notice chooses not to contest and appear.

6. Learned A.P.P. opposes the bail application.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Complaint Case No.489 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

