

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77173 of 2023

Arising Out of PS. Case No.-1273 Year-2022 Thana- KHAGARIA District- Khagaria

NANDLAL SAH son of Late Ramchandra Sah Resident of Village- Bahuaara
PS - Ganaur Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N.K. Agarwal, Sr. Advocate Mr. Pushpendra Kumar Singh, Advocate Smt. Divya Bharti, Advocate
For the Opposite Party/s :	Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 26-06-2024 1. Heard learned Senior Counsel for the petitioner,

learned A.P.P. for the State and learned counsel appearing on

behalf of the informant.
2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 406 and

384 of the Indian Penal Code.
3. Learned Senior Counsel for the petitioner submits

that petitioner is a businessman and has been falsely implicated

in the instant case by the informant based on general and

omnibus allegation. It is further submitted that the informant

alleges that petitioner had borrowed 258 grams and 282

miligrams of fine gold from the informant worth Rs.13,68,894/-

for opening his jewellery shop but did not return the informant's

money and when the informant on 29.11.2022, at about 05:00



p.m., in the evening met the petitioner and demanded his money back, the petitioner abused him and demanded extortion of Rs.10 lakhs and even threatened to kill him. It is next submitted that the petitioner has a jewellery shop in the name of Maa Silver House. It is also submitted that though the informant alleges that he had given gold and money to the petitioner for setting up his business but then petitioner never required the help of the informant for setting up his business as he was already having his business. It is further submitted that petitioner on 29.03.2022 had instituted Khagaria P.S. Case No. 1006 of 2022 against the named accused persons who were his staff. It is next submitted that the present false case came to be instituted at the behest of the accused persons of Khagaria P.S. Case No. 1006 of 2022 by the informant. It is also submitted that allegations are in realm of allegation and no documentary evidence has been brought on record to support the allegation.

4. Learned A.P.P. and the learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail. Learned counsel appearing on behalf of the informant submits that petitioner at para 3 of the anticipatory bail application has specifically pleaded that he is a person with clean antecedent but then petitioner has antecedent which he has



concealed as such he has not approached this Court with clean hand, as such, his anticipatory bail application be rejected. It is further submitted that certain documents have been annexed with the FIR which prima facie would demonstrate that there were certain transactions in between the petitioner and the informant with respect to gold and money and the document is signed by the petitioner.

5. The said submission is rebutted by the learned Senior Counsel appearing on behalf of the petitioner and it is submitted that a supplementary affidavit has been filed on behalf of the petitioner wherein a specific plea has been taken that the signature as alleged on the document is not of the petitioner and thus the petitioner denies of having signed any document relating to the transaction.

6. Be that as it may, considering the submissions made by the learned Senior 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Khagaria P.S. Case No. 1273 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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