

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83380 of 2023

Arising Out of PS. Case No.-3994 Year-2019 Thana- SARAN COMPLAINT CASE District-
Saran

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ABHIJEET KUMAR KAUSHIK @ ABHIJEET Son of Ajay Prasad Singh
R/o vill - Dahiyawa Tola, P.s. - Mufassil, Distt. - Saran, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shalini Singh w/o Abhinav Kumar Singh @ Abhinav Kumar Kaushik, S/o-
Ramcharan Singh, R/O-Muhalla new colony,Gandhi Chouk, P.S.-
Chhapra,Nagar, Dist-Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anshul, Advocate
		Mr. Sumit Shekhar Pandey , Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-03-2024 Heard Mr. Anshul, learned counsel for the petitioner

Duly assisted by Mr. Sumit Shekhar Pandey as also Mr.

Rudradeo who represent the informant and Mr. Jitendra Kumar

Singh, learned APP.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 3994 of 2019 for the
offence under Sections 323, 406 and 420 of the I.P.C.

3. As per the prosecution story, the complainant who
is sister in law of the petitioner alleged that the petitioner
requested her to give an advance of Rs. 1,50,000/- as loan for
some urgent work, whereafter, on different date a total of Rs.



95,000/- was transferred to his bank account. Later, when she demanded the amount, he choose to ignore it, legal notices were sent, this followed the complaint.

4. Learned counsel for the petitioner submits that the brother of the complainant, Kunal Kishore was in jail in Delhi in connection with a criminal case and to engage the lawyer and all litigation cost, the said money was transferred and he diligently supported the family but in return he has been implicated in the present case. Further submission is that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that the lady is sister-in-law (*bhabhi*) and the brother is now no more, she being a widow, he intends to pay Rs. 50,000/- through demand draft issued in her name from the local State Bank of India.

5. Learned counsel appearing on behalf of the complainant on the other hand submits that it is a concocted story of the petitioner, as the lady is having a family member to take care of her brother and the petitioner was in no way involved in the said release of her brother.

6. Learned APP opposes the prayer.

7. Taking into account the aforesaid fact that a dispute is there, complaint has been filed, for the present the petitioner



is ready to pay Rs. 50,000/- through Demand Draft, he do not have criminal antecedent and will be appearing in trial diligently, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M., 1st Class, Saran at Chapra, Bihar in connection with Complaint Case No. 3994 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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