

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80676 of 2023

Arising Out of PS. Case No.-144 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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MURARI PRASAD @ MURARI PRASAD SARRAF Son of Late Ram
Bilash Prasad R/o vill - Babuganj, P.S. - Dehri, Distt. - Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binod Kumar Singh Son of Late Haridwar Singh R/o vill - Baradi Kala, P.S.
- Dinara, Distt. - Rohtas, present address - Kamranganj, Mod, P.S. -
Indrapuri, Distt. - Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh
For the Opposite Party/s : Mr. Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-04-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 406 and 504
of the Indian Penal Code.

3. Learned counsel for the petitioner submits that from
perusal of the office report dated 05.04.2024, it would manifest
that the same records that the daughter of the O.P. No.2 received
the notice on his behalf which is kept at Flag-A and from perusal
of Flag-A, it manifests that the daughter of the O.P. No.2 received
the notice on 20.02.2024. Since the notice has been received by
the daughter of the O.P No.2, hence it is deemed to have been



validly served.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case by the complainant alleging that he had purchased gold ornaments worth Rs. 9 lakh at the time of marriage of his son from the shop of the petitioner and after sometime he realized that the gold was fake, as such, he contacted the petitioner and informed him about the same, on which, the petitioner assured that he will take back the ornaments and would give pure 91.6 caret of ornaments within a month but later refused. The learned counsel submits that the petitioner has been falsely implicated in the instant case by the informant. It is next submitted that the complainant had purchased ornaments worth Rs. 8,60,870/- from the shop of the petitioner and paid an amount of Rs. 2 lacs by way of advance and for the rest amount issued two cheques of Rs.5 lacs and Rs. 1,31,136/- respectively but the cheques on presentation for encashment bounced, thereafter the petitioner issued legal notice to the complainant but the same was not replied, thereafter the petitioner filed Complaint Case No.65/2022 but the same was forwarded to the officer-in-charge, Dehri P.S. under Section 156(3) Cr.P.C. for registering an F.I.R., which led to registration of Dehri Town P.S. Case No.487/2022. It is next submitted that the moment the F.I.R. came to be instituted the complainant approached the petitioner for settlement and



assured that the entire amount would be paid to the petitioner by 25.12.2022. It is next submitted that instead of honouring the agreement entered in between the petitioner and the complainant with respect to return of the due amount, the complainant instituted the instant complaint with a view to coerce the petitioner into submission.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 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 trial court where the case is pending/successor court in connection with Complaint Case No.144/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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