

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86246 of 2023

Arising Out of PS. Case No.-406 Year-2013 Thana- GAYA KOTWALI District- Gaya

Bhartendu Vimal @ Ravi Kumar Yadav @ Ravi Kumar S/O Ram Balak
Yadav R/O Village- Khalasapur, P.S- Shekpura, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Kotwali P.S. Case No.406 of 2013 registered for the offences punishable under Section 406 of the Indian Penal Code and Section 138 of the N.I. Act. The petitioner has got no criminal antecedent.

3. As per the prosecution story, on 17.04.2013 the informant had allegedly provided a sum of Rs.3 lacs to the petitioner as financial assistance for purpose of business. It is alleged that the petitioner had agreed to repay the amount within 45 days but when the informant went to the petitioner demanding his money, he was abused, assaulted by hand and fist and allegedly the petitioner had taken out Rs.5,000/- from the

pocket of the informant.

4. Learned counsel for the petitioner submits that from a bare reading of the First Information Report, it would appear that the informant had allegedly provided a sum of Rs.3 lacs to the petitioner as financial assistance for purpose of business. As per allegations, the petitioner had agreed to repay the amount within 45 days but when the informant went to the petitioner demanding his money, he was abused, assaulted by hand and fist and allegedly the petitioner had taken out Rs.5,000/- from the pocket of the informant.

5. Learned counsel submits that the police has registered a case under Section 406 of IPC and Section 138 of N.I. Act. It is submitted that by no stretch of imagination a case under Section 138 N.I. Act could have been registered. According to him, it is a case of false implication on flimsy allegations.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner, but considering the facts and circumstances of the case, the nature of the allegations, the transaction being that of a loan allegedly advanced by the informant to the petitioner, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the

petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Kotwali P.S. Case No. 406 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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