

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.155 of 2024

Arising Out of PS. Case No.-63 Year-2009 Thana- PURNEA SADAR District- Purnia

Madan Bhagat S/o- Bhola Bhagat R/O Vill-Bela Champawati, P.S- Sarsi,
Dist- Purnea At Present R/O- Gulabbagh, Hasda Road, Behind Cold Storage,
P.S- Sadar, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 30-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Purnea Sadar P.S. Case No. 63 of 2009 dated 09.02.2009 registered for the offences punishable u/ss 406, 420 and 120B of the Indian Penal Code.

3. As per the prosecution case, the Complainant under the influence of the petitioner and the co-accused, Bhola Bhagat gave Rs. 1,60,000/- for the installation of a mobile tower. It was promised that the Complainant would receive a monthly rent of Rs. 7000/- per month and a member of the informant's family would secure a job and after 20 years, the security deposit of Rs. 1,60,000/- would be returned. After receiving the money, the



petitioner and the co-accused, Sanjeev started the construction work but left the work incomplete and fled away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The date of occurrence took place on 27.10.2008 but the informant filed complaint on 09.02.2009 after a delay of 3 months and there is no explanation for the same. It is further submitted that the informant has not produced any receipt regarding payment of Rs. 1,60,000/- or proof of agreement paper with respect to the installation of Tower. Learned counsel has further submitted that the petitioner has no concern with the alleged offence. The petitioner has two criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Purnea in



connection with Purnea Sadar P.S. Case No. 63 of 2009, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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