

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10650 of 2024

Arising Out of PS. Case No.-392 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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RAKESH KUMAR S/O RAJENDRA RAI R/O VILLAGE- BEYAPUR
MANER, P.S- MANER, DISTT.- PATNA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. MUKESH KUMAR SINHA S/O LATE MITHLESH KUMAR R/O CHOA
LAL LANE, P.S- KHAJE KALA, DISTT.- PATNA, PIN CODE- 800008.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate
For the State : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 09-08-2024 Despite valid service of notice, nobody appears on
behalf of the opposite party No. 2.

2. Heard learned counsel for the petitioner and the
State.

3. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 323, 341, 379, 384, 504,
506/34 of the Indian Penal Code.

4. As per prosecution case, the complainant Mukesh
Kumar Sinha took a loan of Rs. 27,00,000/- from all the accused
persons. At the time of giving the loan, the accused persons took
a signed cheque of the complainant. It is further alleged by the
complainant that the accused persons gave money to the



complainant from 24.02.2022 in part by part and the complainant also returned the loan amount from 03.03.2022 till 20.03.2022 in different accounts of the accused persons amounting in total Rs. 23,01,832/-. It is further alleged that when the complainant went to return the rest of the amount, the accused persons said that about Rs. 27,22,000/- is still left and thereafter threatened the complainant that they would file a case of cheque bounce. It is also alleged that the accused persons snatched gold chain from neck of the complainant and also took his vehicle.

5. Learned counsel for the petitioner submits that the dispute is of civil nature and no criminal offence is made against the petitioner. It is further submitted that similarly situated co-accused, namely, Hemant Kumar, having similar allegation, has already been granted anticipatory bail by this Hon'ble Court *vide* order dated 20.02.2024 passed in Cr. Misc. No. 8025 of 2024. Petitioner has got clean antecedent.

6. Learned A.P.P. for the State vehemently opposed the bail application.

7. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender



before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Patna City in connection with Complaint Case No. 392 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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