

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7847 of 2024

Arising Out of PS. Case No.-758 Year-2019 Thana- Bhagalpur Complaint Case District-
Bhagalpur

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Arun Panjiyara @ Arun Kumar Son Of Tebhali Panjiyara Resident Of
Village- Dadari Jala, P.S.- Sangrampur, Distt.- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bablu Singh Son Of Late Basudeo Singh Resident Of Village- Harnathpur,
P.S.- Sajour, Distt.- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Complaint Case No. 758 of 2019 in which the processes have been directed to be issued after cognizance being taken under Sections 379, 411/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner and co-accused Birender Kumar Singh committed theft of the cheque-book of the complainant from his house while they used to visit the complainant's house.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The co-accused Birender Kumar Singh has lodged a complaint case bearing Complaint Case No. 1031 of 2017 under Section 138 of the Negotiable Instrument Act against the complainant of this case, in which cognizance has been taken by the learned Judicial Magistrate against the present complainant. Learned counsel further submits that there is general and vague allegation against the petitioner that he and the co-accused went to the house of the complainant and the complainant has not disclosed that the petitioner accompanied the co-accused, Birender Kumar Singh, who came to the house of complainant for demand of money and the complainant gave a cheque of Rs. 98,000/- to the co-accused. Learned counsel further submits as a counterblast, the present case has been lodged by the complainant in which learned Judicial Magistrate-2nd Class, Bhagalpur has taken cognizance against the petitioner and the co-accused. Learned counsel further submits that from the whole complaint petitioner, it is not clear that how the petitioner is involved in the alleged occurrence. Learned counsel further submits that the petitioner is having criminal antecedent of one case in which he is on bail.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation against the petitioner and possibility of false implication in the background of earlier case filed by the co-accused against the complainant, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-2nd Class, Bhagalpur/concerned court in connection with Complaint Case No. 758 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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