IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25025 of 2025

Arising Out of PS. Case No.-873 Year-2024 Thana- KATIHAR NAGAR District- Katihar

==

Dayashankar Sharma @ Mantu Sharma, Male, aged about 46 years, S/o Late Ramanand Sharma, R/o Village- Falka, P.S.- Falka, District- Katihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==

Appearance :

For the Petitioner/s : Mr.Maruth Nath Roy, Advocate

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

==

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 05-05-2025 Heard Mr. Maruth Nath Roy, learned counsel appearing on behalf of the petitioner and Mr. Rajendra Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Katihar Town P.S. Case No. 873 of 2024 registered for the offence(s) punishable under Sections 316(2), 318(4), 352, 351(2), 351(3), 3(5) of the BNS.

3. As per the allegation made in the FIR, the petitioner purchased the clothes worth Rs.7,04,440/- on credit in between the year 2010 to 2016 from the informant, who runs a wholesale cloth shop, and paid Rs.23,000/- only in the year 2016 and thereafter he did not return the dues amount.

4. Learned counsel appearing on behalf of the petitioner submitted that instead of filing money suit, the

informant has lodged the present FIR. He further submitted that informant has not attached any cash receipt signed by anyone to show any kind of transaction. The invoices which have been attached with the FIR are not genuine and the same has been manufactured with the purpose of filing this false case. However, petitioner is still ready to settle the dispute amiably. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. In view of the fact that petitioner has denied transaction, the same can be verified from the return filed by the petitioner before the State Tax Department for the goods which he has purchased for re-sale from any whole seller including the informant. I find that the receipts which have been made part of the FIR for claiming alleged due amount from the petitioner is of unregistered firm, as would appear from the invoices. No reference of VAT being the financial year 2010 to 2016 has been referred. Petitioner has not been able to show that the goods which were sold and purchased by him are exempted item under the VAT. The very credibility of the allegation against the petitioner based on the invoices is doubtful that the firm of the petitioner is a registered firm. However, in view of the fact that

petitioner seeks to settle the dispute amicably, I find that petitioner may be released on pre-arrest bail, considering the matter civil in nature.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar / Concerned Court in connection with Katihar Town P.S. Case No. 873 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Purnendu Singh, J)

Sanjay/-

U		T	