

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67249 of 2024

Arising Out of PS. Case No.-655 Year-2022 Thana- DHAKA District- East Champaran

Manish Prasad Jaiswal S/o- Late Bindeshwar Prasad Jaiswal@Bindeshwar
chaudhary Resident of village- jamuniya Ps- Jharaukhar District- East
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Tabrej Anwar Son of Md Sabir Alam , R/o Mohalla-Mohabbatpur Dhaka,
P.S-Dhaka, Dist-East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 02-05-2025 Heard learned counsel for the petitioner, learned
counsel for the OP.No.2 and the State.

2. Petitioner apprehends his arrest in connection with
Dhaka P.S.Case No. 655 of 2022 registered for the offences
punishable under Sections 406 and 420 of the Indian Penal
Code.

3. The allegation made in the FIR is that the informant
is the owner of S.A .Traders while the petitioner has a shop of
iron steel and cement and the petitioner used to take cement,
iron and steel from the shop of the informant. It is alleged that
on 01.11.2021, the petitioner had borrowed iron and steel worth
Rs. 8,00620/- from the shop of the informant for one month but



thereafter, he did not return the money as per his promise and after lapse of nine months the present case has been lodged.

4. Learned counsel for the petitioner submits that the petitioner and the informant have business transaction since earlier and no other complaint has been made with regard to earlier transactions. He further submits that the petitioner never took anything on credit and the informant has not produced any chit of paper signed by the petitioner. It has also been submitted that Manish traders belonged to his father, who had died on 26.04.2021 whereafter, the business was closed. The petitioner has already filed a cancellation petition for cancellation of GST on 31.10.2021. The relevant documents have been brought on record.

5. Learned counsel for O.P.No. 2 however opposes the anticipatory bail, besides others, on the ground that the petitioner has played fraud and his intention to cheat the petitioner has been right from the beginning and he has filed for cancellation of the GST just a day before the billing was done and till that day the GST was valid.

6. Taking into consideration the rival contentions of the parties and also considering the fact that the petitioner and the informant were having business transactions and the allegation in the FIR is more or less in the nature of petitioner



not honoring the promise to pay back the money, which primarily seems to be a civil dispute arising out of business transactions, I am inclined to grant privilege of anticipatory bail to the petitioner who has no criminal antecedent. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahna at Dhaka, Motihari in Dhaka P.S.Case No. 655 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioners shall co-operate in investigation/ trial.

7. However, the petitioner undertakes to make himself available as and when required before the investigating officer till the completion of investigation and he further under takes to co-operate in the trail by making himself available on each and every date unless some very strong and unavoidable reason for absence.

(Soni Shrivastava, J)

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