

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66785 of 2024

Arising Out of PS. Case No.-299 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

Uma Shankar Sharma Son of Jagdish Sharma R/o Village- Godari, P.S.-
Karakat, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Kumar Son of Jamuna Saw R/o Village- Godari, P.S.- Karakat,
District- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Mayashankar Mishra, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP
For Opposite Party No.2	:	Mr. Arvind Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 17-03-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a complaint case registered for the offence punishable under Section 420 of the Indian Penal Code.

3. As per prosecution case, it is alleged that on 25.06.2016, this petitioner took Rs. 4,00,000/- from the complainant/Opposite Party No. 2 for his personal work and assured to return the same till 25.06.2017 but till date, he has not returned the same.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. As a matter of fact, prior to lodging



of the present complaint case, for the same set of occurrence, the complainant/Opposite Party No. 2 filed another case bearing Complaint Case No. 483 of 2019 which is pending for adjudication before the learned Additional Chief Judicial Magistrate-I, Bikramganj, Rohtas. It is further submitted that the petitioner borrowed Rs. 2,00,000/- from the complainant /Opposite Party No. 2 and has already returned the same with interest by making payment of Rs. 30,000/- in 23 installments and the complainant/Opposite Party No. 2 has accepted the same by putting his signature and as such, petitioner has not committed any offence and the present case has been lodged only with a view to put pressure upon the petitioner to recover the alleged outstanding amount. It is lastly submitted that from bare perusal of the F.I.R. it is apparent that the dispute is civil in nature and no criminal offence is made out against this petitioner.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of complainant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and nature of dispute, the prayer for grant of



anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas in connection with Complaint Case No. 299 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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