

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68995 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Hemchandra Sah Son of Satya Narayan Sah R/O-Village- Pathrahi, P.S.-
Laukaha, District -Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sajjan Kumar Sah S/O- Bishun Sah, R/O- Village- Pahari Tol, P.S.- Laukaha,
Dist.- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Bharti, Advocate
For the Complainant	:	Mr. Jaishankar Kumar Yadav, Advocate
For the State	:	Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Jitendra Kumar Bharti, learned counsel

for the petitioner, Mr. Jaishankar Kumar Yadav, learned counsel

appearing on behalf of the Informant and Mr. Md. Shakir

Ahmad, learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with C.R. Case No. 47 of 2023, dated 30.01.2023
registered for the offences punishable under Section 406 of the
Indian Penal Code.

3. The short facts in the complaint petition is that the
complainant had given the cash amount of Rs. 8,00,000/- to the
petitioner in the year 2016 and he did not return the same.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. In fact, the complainant is son-in-law of the petitioner and from perusal of the complaint petition it appears that the complainant has given some amount to the petitioner and his family members but the learned Court below has not taken cognizance against the other accused persons but the learned Court below has taken cognizance against the petitioner under Section 406 of the Indian Penal Code. Learned counsel for the petitioner further submits that from perusal of the alleged complaint petition it appears that the complainant had given some amount in question to the petitioner in the year 2016 and the present complaint petition has been filed in the year 2023 after delay of seven years and apart from that there is no proof of payment with respect to the amount in question.

5. Learned APP for the State as well as learned counsel for the Informant, on the other hand, opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the



case and the fact that the petitioner having clean antecedent and there is no proof with regard to payment, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jhanjharpur, District- Madhubani in connection with C.R. Case No. 47 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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