

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73267 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- SAHAYAK NAGAR District- Katihar

Rahul Nayak Son of Late Anandi Prasad Nayak R/o - Tingachhiya Bazar Samiti, Katihar, P.S and Distt. -Katihar, Permanent Resident of Village - Raniganj Chharapatti, Modern Public School, P.S - Raniganj, Distt- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sumit Kumar, S/O- Suresh Bhagat R/O- Bhola Misthan, Mirchai gali, P.O. Katihar, P.S.- Sahayak, District- katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Jha, Advocate
For the State	:	Ms. Madhuri Lata, APP
For the Informant	:	Mr. Prashant Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 30-04-2025 Heard Mr. Mukesh Kumar Jha, learned counsel for the petitioner, Ms. Madhuri Lata, learned APP for the State and Mr. Prashant Shekhar, learned counsel for the informant

2. The petitioner is apprehending his arrest in connection with Katihar Nagar Sahayak P.S. Case No. 216 of 2024, F.I.R. dated 03.04.2024 for the offences punishable under Sections 341, 323, 504, 506, 420, 406 of the Indian Penal Code.

3. According to prosecution case, the petitioner took a loan of Rs.4,00,000/- (Rupees Four Lakh) from the informant. After preparing a written agreement, the petitioner undertook to return the loan before 16.09.2023 but he did not return the loan and when informant demanded to return his loan, the petitioner



quarreled with the informant and assaulted him.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. As per FIR, the petitioner has taken a loan of Rs. 4 lakh from the informant and did not return the same but in the matter of fact, the petitioner had never taken loan from the informant.

5. A counter affidavit has been filed on behalf of the informant annexing the agreement dated 16.04.2023 which suggest that the petitioner has agreed to return the loan amount of Rs.4,00,000/- (Rupees Four Lakh) by 16.09.2023 but he has not returned the same then, the informant has filed the present FIR against the petitioner.

6. Learned counsel for the petitioner on instruction submits that the petitioner is not ready to pay the amount in question to the informant even on the instalments.

7. The learned Additional Public Prosecutor and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner.

8. Considering the allegation as alleged in the F.I.R



and the material available on record, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Katihar Nagar Sahayak P.S. Case No. 216 of 2024 pending in the court of learned Chief Judicial Magistrate, Katihar.

9. Prayer is refused.

(Rajesh Kumar Verma, J)

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