

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75169 of 2024

Arising Out of PS. Case No.-288 Year-2024 Thana- KUDRA District- Kaimur (Bhabua)

=====

Ankit Kumar Singh Son of Pramod Kumar Singh Village- Bhokhari PS-
Kargahar Dist- Rohtas. At Present- R/O Mohalla- Lalapur, P.S.- Kudra, Dist.-
Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. P. Ramesh Chaudhary Son of Prasd Ram R/O Vill.- Sri Guppa, P.o. and P.s.-
Sri Guppa, Dist.- Balhari, Karnataka.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Adv
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 09-05-2025 Heard learned counsel for the petitioner and the APP

for the State.

2. Petitioner apprehends his arrest in a case registered

for the offences punishable under Sections 318(4), 303(2) of

B.N.N.S Act.

3. Despite issuance of notice to OP.No.2/ Informant has

not appeared in the present proceeding.

4. The allegation in the FIR, is that an amount of Rs.

10,70,000/- was transferred to the Account of 3S International

Traders, Kanpur, Ashok Nagar and also in the account of

Bhupendar Kumar through RTGS on 07.08.2024. It is alleged



that the petitioner however refused to send the rice as agreed by him and thereafter some persons made an attempt to assault the informant but the driver of the truck had saved him and the entire money was grab by the petitioner which was paid by the informant in different installments.

5. Learned counsel for the petitioner submits that as a matter of fact, it is submitted that the petitioner is only a broker of the food grains and he resides at Kudra and he has been implicated at the instance of one Raju Dalal, who was in touch with the informant and who has also been made an accused in the present case. It would be apparent from the FIR itself, that the value of rice amounting to Rs. 10,70,000/- has been transferred to other accounts at the instance of Raju Dalal and no money has been transferred to the account of the petitioner. It has further been submitted that the FIR has also been lodged after a delay of two days. So far as the petitioner's liability is concerned, he admits that an amount of Rs. 25,000/- was paid to the petitioner by the informant, out of which, he had already returned Rs. 5,000/- and Rs. 20,000/- is still due upon the petitioner, which he is ready to return to the informant. It is further argued that in any view of the matter, the case has predominantly a civil colour relating to disputed money



transaction in course of business for which civil remedies are available to the informant. The learned counsel has also submitted that a criminal case ought not to be filed for the purposes of recovering the money and that too, in the present case, the petitioner is not responsible for the amount which has been alleged by the informant to have been misappropriated.

6. Considering the aforesaid facts and circumstances of the case and also the fact that petitioner has no criminal antecedent, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioner 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 court below where the case is pending/ successor court in Kudra P.S. Case No. 288 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the learned court below shall verify the criminal antecedent of the petitioner before releasing him on bail.

7. However, it has been agreed by the learned counsel for the petitioner that the petitioner would make a draft of Rs. 20,000/- in the name of the informant, which is due upon



him and submit the same before the court below before
furnishing of bail bonds, which would be released in favour of
the informant once he prays for the same.

(Soni Shrivastava, J)

N.K/-

U		T	
---	--	---	--

