

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89762 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- BARAULI District- Gopalganj

Md. Shakil Son of Alam Hussain R/O Jogirha, Ward No.8, Alampura, P.S.-
Mohammadpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Natraj Verma, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-01-2025 Heard Mr. Natraj Verma, learned counsel for the
Petitioner and Mr. Ajay Kumar Jha, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Barauli P.S. Case No. 261 of 2023 dated 19.06.2023 registered for the offence punishable under Section 420 of the Indian Penal Code.

3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner and informant are close relatives and from the facts of the FIR it is clearly evident that in between them there was some dispute regarding loan amount of Rs. 9,00,000/- which is alleged to have been given by the informant through online mode and cash for the purpose of purchasing a bus but in fact, no any payment of cash amount as alleged by the informant was made though a sum of



Rs. 4,00,000/- was transferred by the informant in the bank account of the petitioner and his mother but the same was repayment of a loan amount of Rs. 4,05,000/- which had been taken by the informant on earlier occasion. It is further submitted that from the nature of allegation it is clearly apparent that the instant matter relates to a civil wrong relating to money transaction dispute and the alleged offence of Section 420 of IPC is not made out in this matter and the investigation has been completed and the police have given the benefit of Section 41 of Cr.P.C. to the petitioner and after the completion of investigation, the learned Magistrate has taken cognizance of the offence under Section 420 of IPC and summoned the petitioner for the said offence, so, the petitioner has got a valid reason to apprehend his arrest for the alleged offence punishable under Section 420 of IPC.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Considering the above submissions advanced by petitioner's counsel and taking into account the nature of allegation as well as petitioner's fair and clean antecedent, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Barauli P.S. Case No. 261 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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