

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83902 of 2024**

Arising Out of PS. Case No.-888 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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Naveen Benjamin @ Naveen Benjamin Rami @ Naveen Benjamin Remy Son
of Remi Anthoni @ Remy Anthony Resident of Village- New Rahimabad,
Shantinagar, P.S. - Sarojini Nagar, District - Lucknow, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Roona, Advocate
For the Opposite Party/s : Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-05-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present criminal miscellaneous application has
been filed under Section 482 of the Bharatiya Nagarik Suraksha
Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for
grant of anticipatory bail to the petitioner who apprehends arrest
in connection with Bettiah Town P.S. Case No. 888 of 2019,
lodged on 04.12.2019, under Sections 384/385/387/420/406/
467/468/506/120B/120B of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
seven named accused persons including the present petitioner,



against whom allegation is that the accused persons had negotiated with the informant for selling of the property of the petitioner situated at West Champaran, Bettiah. Allegation is that the negotiation took place and advance was also paid but the petitioner was not ready to transfer the said land to the informant even after taking the advance, therefore, the informant has no option but to file case against the petitioner and others.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the said property in dispute is not at all belongs to his father. He has been unnecessarily made because in this case only and only due to the reason that when the petitioner came to Bettiah then the informant along with other persons demanded ransom and made blackmail. Learned Counsel for the petitioner further submits that petitioner has never visited Bettiah at all throughout his carrier, which he has specifically pleaded at para-9 of the petition. Learned Counsel further submits that the antecedent of the petitioner is clean and the alleged cheque for which Section 138 of the N.I.Act has been added has not been signed by the petitioner and it has signed by some other accused. Therefore, Counsel submits that no offence is made



out against the petitioner under Section 138 of the N.I. Act and since there is no transaction with him, therefore, other sections shall not attract. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned Counsel for the informant, on the other hand, vehemently opposes the prayer for bail and submits that petitioner has not come before this Court with clean hand. The said land, according to the informant, belongs to the informant's father and he is denying even after taking Rs.2,00000/- from him in presence of the witnesses.

6. Learned APP for the State opposes the prayer for bail of the petitioner but submits that from the pleadings it transpires that cheque has not been signed by the present petitioner.

7. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, West Champaran at



Bettiah, in connection with Bettiah Town P.S. Case No. 888 of 2019, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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