

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89062 of 2024

Arising Out of PS. Case No.-2547 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Nand Kishore Patel Son of Late Babu Lal Patel R/O-Village- Chhota bariyarpur, ward no 38, P.S.- Chhatouni, District -East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Gupta @ Bablu Gupta Son of Late Banarshi Sah R/O-Village- Chhota bariyarpur, ward no 38, P.S.- Chhatouni, District -East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-01-2025 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 406, 420, 323, 504 of the Indian Penal Code.

3. As per complaint case, this petitioner, on different dates, purchased construction materials from the shop of complainant worth Rs. 4,59,905/- and paid him back Rs. 1,16,000/- through cheque. Thereafter, it is alleged that petitioner kept delaying to pay rest of the amount i.e. Rs. 3,43,905/- to the complainant even after repeated demands and lastly, on 9.11.2018, when complainant requested him to pay the remaining amount, this petitioner abused him and assaulted him



with fists and slaps and threatened him with dire consequences on the point of pistol.

4. Learned counsel for the petitioner denies the complaint case and submits that there is no chit of paper in support of the allegations made against petitioner. As a matter of fact, wife of brother-in-law of the complainant had purchased a piece of land from the father of petitioner and after payment of consideration money of Rs. 5,45,000/- sale deed was executed and it got registered to which complainant is one of the witnesses but later on, on 4.7.2016 a panchayati was called wherein it was decided that petitioner will return the amount which he has received against that land and accordingly, a sum of Rs. 2,60,000/- was returned back to the complainant by the petitioner and thereafter, sum of Rs. 96,000/- and Rs. 20,000/- were paid through two different cheques and lastly, Rs. 1,69,000/- cash was paid to the complainant on 27.10.18. He next submits that even after receiving the entire money, complainant did not return the registered sale deed to the petitioner and lodged this false and concocted case against him. Moreover, dispute involved in this case is of civil nature.

5. Learned A.P.P. for the State vehemently opposed the bail application.



6. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, East Champaran, Motihari in connection with Trial No. 646/2022 arising out of Complaint Case No. 2547/2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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