

In the court of Dr. Santosh Kumar-I, VIIIth Addl. Sessions Judge, Bhojpur at Ara.
Anticipatory Bail Petition No. 703/2026
Shree Bhagwan Ojha Vs. The State of Bihar
(Arising out of Compliant Case No. 569C of 2019)
(U/s 406, 420 of IPC.)

Shree Bhagwan Ojha, aged about 50 years,
S/o- Sitaram Ojha
R/o- Village – Shanjhauli,
PS- Shahpur,
District – Bhojpur.

.....**Petitioner.**

versus

State of Bihar.

.....**O.P.**

For the Petitioner:-

Sri Kalika Saran Ojha, Advocate.

For the State:-

Sri Manik Kumar Singh, Addl. P.P.

For the Complainant:-

Sri Suraj Kumar, Advocate.

ORDER

16.04.2026

Anticipatory Bail petition dated 10.03.2026 filed on behalf of the petitioner **Shree Bhagwan Ojha** who apprehends his arrest in connection with Compliant Case No. 569C/2019, pressed today.

Copy of the anticipatory bail petition supplied to the Id. Addl. P.P. on the same date.

Pressing the bail petition Id. Counsel for the petitioner has submitted that no bail petition of any nature has been filed or is pending on behalf of the petitioner either in this Sessions Division or before the Hon'ble High Court. It has been submitted that the petitioner is innocent and has committed no offence. It has been submitted that no occurrence took place as alleged by the prosecution. It has also been submitted that the petitioner has been falsely implicated in this case. It has further been submitted that no offence under section 406, 420 of IPC is made out against the petitioner and this case is a civil nature. It has been submitted that this case has been filed by complainant fraudulently with the intention to take the rupees to the petitioner by way of this complaint petition. The Id. counsel for the petitioner has sought to enlarge the petitioner on the privilege of anticipatory bail.

Ld. A.P.P. has opposed the anticipatory bail petition of the petitioner.

LCR has been received.

I have heard the submissions and gone through the materials available on the record. It transpires that no other bail petition of any nature is pending on behalf of the petitioner either in this Sessions Division or before the Hon'ble High Court and there is nothing on the record to show the criminal antecedent of the petitioner. It appears that the instant complaint was preferred at the instance of complainant Madhurendra Kumar Tiwary alleging therein that the accused person is relative of the complainant and ask for some money upon which complainant gave firstly Rs.

50,000/-, second Rs. 100,000/-, Third Rs. 1,50,000/- and forth Rs. 3,50,000/- in his account. when complainant demand the said money back then accused did not take any head and till filing of the not return the money. Hence this complaint case was filed.

On the basis of the complaint petition, S.A. of the complainant and evidence of enquiry witness a prima facie case U/s 406, 420 IPC was made out against the accused named in the complaint petition and the accused were summoned to face trial.

Perusal of the record shows that the prima facie case has been made out against the accused petitioner U/s 406, 420 of IPC for which the maximum punishment prescribed is less than seven years. There is dispute in relation to the purchase of land between the parties. Prima facie it appears that this complaint case has been filed to settle purely a civil dispute in relation to purchase of a land. Criminal proceedings should not be used as a tool to exert pressure to civil debts. The petitioner is ready to face trial before the Ld trial Court. The case at hand is fully covered by the judgment titled as **Satyendra Kumar Antil Vs CBI (2022)10SCC51** in which the Hon'ble Supreme Court has held that "there is no reason to deny the bail of the accused petitioner in a complaint case in which summoned has been issued U/s 204 Cr.P.C./corresponding section of the BNSS and accused appears before the court and ready to face trial."

Thus, considering the aforesaid fact and circumstances, I am inclined to enlarge the petitioner **Shree Bhagwan Ojha** on the privilege of anticipatory bail in the event of his arrest or surrender before the Ld trial court within four weeks from the date of passing of this order on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount subject to the satisfaction of the Ld Trial court. Consequently, the anticipatory bail petition dated 10.03.2026 stands **Allowed**.

Let, a copy of the order along with LCR be transmitted to the learned Trial Court forthwith.

Dictated

Sd/-

(Dr. Santosh Kumar-I)
Addl. Sessions Judge-VIII.
Bhojpur, Ara.
Dated:16.04.2026