

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54580 of 2017

Arising Out of PS.Case No. -323 Year- 2016 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Madan Mohan Gupta, Son of Late Vishwanath Prasad Saw, Resident of
Laljhari Bhawan (Athar Kothi), Mohalla- New Diliya, Dehri-on-Son,
Kanada Mistry ki Gali, Ward No. 21, P.O. + P.S.- Dehri on Sone, District-
Rohtas Pin Code- 821307.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Akhileshwar Kumar Singh, Son of Sri Ram Singhasan Singh, Resident
of Village- Fatehpur, P.S.- Ithadhi, District- Buxar, at present residing at
Mohalla- Virat Nagar, Jail Paiyan Road, P.S.- Town Buxar, District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ramakant Sharma, Advocate.
Mr. Lakshmi Kant Sharma, Advocate.
For the Opposite Party : Mr. Umanath Mishra, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-01-2018 Heard the learned counsels for the petitioner and the

State.

The petitioner seeks bail in anticipation of his arrest
in connection with Complaint Case No. 323(C) of 2016 dated
07.04.2016 instituted for the offences under Sections 406, 420 and
120B of the Indian Penal Code.

The petitioner is said to have taken Rs. 11 lakhs in all
from the complainant/opposite party no. 2 for delivery gold
ornaments. Neither the gold ornaments were delivered nor the
money was returned. During the course of argument, learned



counsel appearing for the opposite party no. 2/complainant submitted that in case the amount of Rs. 11 lakhs is returned to him, he shall not be interested in pursuing the complaint and in prosecuting the petitioner. The petitioner also, realizing the futility of contesting the case, has agreed to return the aforesaid amount of Rs. 11 lakhs to the complainant/opposite party no. 2. He has offered that he would pay Rs. 3 lakhs to opposite party no. 2 within a period of 15 days from the passing of the order. The balance amount of Rs. 8 lakhs shall be paid in equal monthly installments of Rs. 1.5 lakhs.

Learned counsel for the opposite party no. 2 has also filed an affidavit stating that with the payment of the last installment and realization of Rs. 11 lakhs in all, the opposite party no. 2 shall withdraw his complaint against the petitioner.

Considering the aforesaid agreement between the parties, this Court deems it appropriate to release the petitioner on anticipatory bail.

Let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to



the satisfaction of the learned Chief Judicial Magistrate, Buxar in Complaint Case No. 323(C) of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is however made clear that any default on the part of the petitioner would entitle the opposite party no. 2 to approach this Court for cancellation of the anticipatory bail granted to him.

The application is allowed.

(Ashutosh Kumar, J)

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