

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56224 of 2017

Arising Out of PS.Case No. -352 Year- 2017 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Dinesh Kumar S/o Late Jai Govind Prasad Resident of Mohalla-Atardah,
Kachi-Pakki Road, Infront of Sahu Market, Behind Lal Babu Rai, P.S.
Sadar District Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 18-01-2018

The petitioner seeks bail in anticipation of his arrest in connection with Sadar P.S. Case No. 352 of 2017 dated 08.07.2017 instituted for the offences under Sections 420, 406 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

It has been alleged in the F.I.R that the son of the petitioner entered into an agreement with the informant to sell his house for rupees thirty five lakhs and pursuant to such agreement, he also accepted rupees twenty one lakhs in cash from the informant. When the informant wanted to pay the rest of the amount of rupees fourteen lakhs, the petitioner as well as his son dilly-dallied and were not desirous of either conveying the



property or returning the amount which was taken by them.
Hence, the subject F.I.R.

Learned counsel for the petitioner has submitted that the son of the petitioner actually had entered into an agreement with the informant and in an effort to make good the payment which was received from the informant, he issued a cheque of rupees ten lakhs but the same could not be honowred and it bounced. With respect to the bouncing of the cheque issued by the son of the petitioner, a separate complaint has been filed by the informant. In order to bail out his son in difficult times, the petitioner is also said to have paid rupees two lakhs and fifty thousands to the informant in cash and is also said to have issued two cheques of rupees two lacs each. The aforesaid cheques also have been dishonored.

However, learned counsel for the informant has submitted that now the amount of the cheques i.e. rupees four lacs has been given by the petitioner. Thus, for all practical purposes, the petitioner has contributed rupees six lakhs and fifty thousand towards the dues of his son.

This Court has also been informed that the son of the petitioner has been made accused in a criminal case and he is in custody at present.



Mr. Hari Kishore Thakur, learned counsel for the informant has submitted that he has no objection to the grant of anticipatory bail to the petitioner because the petitioner has made efforts to return at least some part of the money which his son has taken from him for vending his house.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 352 of 2017.

(Ashutosh Kumar, J)

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