

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5801 of 2020**

Arising Out of PS. Case No.-566 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

BAMBAM KUMAR S/o Muneshwar Mistri R/o Heeralal Path, East Gola
Road, Near Samay Marriage Hall, Radha Sarita Apartment, P.S.- Danapur,
District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Zainul Abedin, APP

For the Informant : Mr.Niranjan Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 23-06-2020 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner in the present case is seeking anticipatory bail in connection with Ram Krishna Nagar P.S. Case No. 566 of 2019 registered for the offences punishable under Sections 406,420 of the Indian Penal Code.

Learned counsel for the petitioner submits that on a bare perusal of the first information report it would appear that the informant had deposited a sum of Rs.9 lakhs in the Trust by way of investment. He has admitted in the FIR to have received some amount in his account till October 2018, however, he alleges that the petitioner has not returned his entire amount. Learned counsel has drawn the attention of this Court towards Annexure '2' which is a receipt in the pen of the informant in



which the informant has acknowledged that he has received Rs.5 lakhs in cash and had promised to return the cheque issued to him.

Learned counsel has also drawn the attention of this Court towards the Bank's ledger enclosed with the petition showing that from time to time amounts have been deposited in the account of the informant and lastly it is submitted that in the impugned order itself the learned Additional Sessions Judge XII, Patna has recorded admitted fact that a sum of Rs.2,75,720/- was deposited in the account of the informant and further Rs.5 lakhs has been received by him in cash. The informant claims that Rs.2,57,592/-received by him in his account from this petitioner is towards the interest payment and this is the point of dispute between the parties.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner.

Learned counsel for the informant has submitted that the petitioner has received Rs.9 lakhs by alluring the informant to provide him higher rate of interest but later on the petitioner has not kept his promise and thereby duped the informant. He has again reiterated that Rs.2,57,594/- is on account of interest.



Having regard to the facts and circumstances of the case wherein, it appears from the materials on the record itself and the submissions of the parties that the informant had made some investments in the Trust and against such investment he has received a substantial amount in his account but the point of dispute is that as to whether the amount received by him to a certain extent is on account of interest or towards refund of the principal amount, considering that the allegations are more tilting towards a civil dispute, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Ram Krishna Nagar P.S. Case No. 566 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge XII-cum-A.C.J.M., Patna, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade



him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

