

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9748 of 2020

Arising Out of PS. Case No.-359 Year-2015 Thana- KHAGARIA District- Khagaria

SANJIV KUMAR S/o Kapildeo Bhagat R/o village- Kamalpur, P.S. and District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 420 of the Indian Penal Code.

Initially, the prosecution case got initiated with filing of Complaint Case No. 443 C of 2014, which came to be registered as police case, being Khagaria P.S Case No.359 of 2015, after its being transferred under Section 156(3) of the Code of Criminal Procedure.

The prosecution case as per the complaint petition is that the complainant gave Rs.80,000/- to the petitioner about two and half years prior to lodging of the present case for getting employment and when the petitioner could not provide him



employment, the informant asked him to return the money. Thereafter, the petitioner issued a cheque of amount of Rs.52,000/- which could not be encashed due to insufficient balance in the informant's bank account.

It is submitted by learned counsel for the petitioner that there is no proof that the petitioner received the said money from the complainant for providing him employment. However, the petitioner is ready to return the cheque amount, i.e., Rs.52,000/-. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioner.

Considering the nature of accusation and the present stand of the petitioner coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Khagaria, in connection with Khagaria P.S. Case No.359 of 2015, subject to the conditions as



laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned Court below on deposit of Rs.52,000/- before the learned Court below which will be released in favour of the informant, if he is ready to resolve the issue, otherwise, it will be subject to result of the case.

(Dinesh Kumar Singh, J)

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