

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21193 of 2020

Arising Out of PS. Case No.-1673 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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AJAY KUMAR Son of Late Baliram Singh Resident of Mohalla - Agarwa
(Near Dr. C.L. Jha), Ward No. 31 (Towards North of lodge of Ramakant
Thakur), P.S.- Town Motihari, District - East Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Priyanka Kumari Daughter of Rajesh Prasad Resident of Village - Olha
Bazar, Post - Mehta Tola, P.S.- Harsidhi, District - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Jagadhar Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-07-2020 The present petition has been taken up for

consideration through the mode of Video Conferencing in view

of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with complaint case no. C-1673 of 2019

registered for the offences punishable under Sections 406, 420

of Indian Penal Code and 138 of Negotiable Instruments Act.

The accusation made by the complainant in the

complaint petition is that the petitioner had employed the

complainant as computer teacher in his institute, whereupon the



complainant had worked there from the month of July, 2015 to December, 2017 and then the petitioner had told the complainant that he has good acquaintance with high-up officials of the State Bank of India and there are many vacancies of Computer Operator there and appointment is going to be made on the said posts very soon. It is further alleged that the complainant was swayed away by the talks of the petitioner herein and had taken loan from her relatives and villagers, whereafter she had given a sum of Rs. 4 lacs to the petitioner on 09.04.2017, however subsequently, she could not be provided appointment in the State Bank of India. It is further alleged that upon pressure being mounted on the petitioner to return back the money, the petitioner had given two cheques of a sum of Rs. 2 lacs each, drawn on the State Bank of India, however when the same was deposited, both the cheques had bounced.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the fact is that the complainant was working in the institute of the petitioner and managing the day-to-day affairs, however his cheque book and other articles were stolen leading to filing of an FIR bearing Chhatauni PS



case no. 332 of 2018 dated 20.11.2018 regarding the same and the complainant has used the said stolen leaflets from the cheque book and get the cheque bounced, whereafter a frivolous complaint case has been filed with a view to extract money from the petitioner herein. Nonetheless, the learned counsel for the petitioner has submitted that the petitioner is ready to settle the matter.

Having regard to the facts and circumstances of the case and considering submissions made by the learned counsel for the parties, I deem it fit and appropriate to grant liberty to the petitioner to surrender before the learned court below within a period of four weeks from today, whereupon the learned court of J.M. 1st class, East Champaran, Motihari in connection with complaint case no. C-1673 of 2019 shall grant provisional bail to the petitioner on the very same day, subject to such conditions as may be deemed fit and proper to be imposed by it and then, summon the complainant and engage the petitioner and complainant of the present case in mediation proceedings with a view to settle the disputes amongst them amicably. It is further directed that upon receipt of the outcome of the mediation proceedings and upon independent application of mind, the learned court below shall take a final call with regard to either



conforming the provisional bail to be granted to the petitioner herein or revoking the same without being prejudiced by the earlier order passed by the learned court below rejecting the case of the petitioner for grant of anticipatory bail.

It is also directed that for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein in connection with complaint case no. C-1673 of 2019.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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