

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22796 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- MUFFASIL District- West Champaran

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AJAY KUMAR @ PAPPU KUMAR Son of Muneshwar Shahni Resident of
Mohalla- Chhawani Mirja Tola, Bettiah, near Amna Urdu High School, P.S.-
Kalibagh O.P. (Bettiah Town), District - West Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-09-2020 . As of now the Courts have not resumed normal physical
hearing, the matter has been listed today for consideration through
Video Conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and Secretary
are also part of this virtual court proceedings from their homes, all
with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned
Counsel for the State.

. This Court would expect that the petitioner's
Counsel would honour his undertaking in the instant
proceedings regarding supply of requisite court fee etc. within
two weeks from the date he is called upon to do so by the
office.

Petitioner apprehends arrest in Bettiah Muffasil PS Case
No. 44 of 2020 registered under Sections 420, 406 and 504/34 of the
IPC.



The prosecution case as stated by the informant is that for returning amount of Rs. 15 Lakh taken by the petitioner, cheques were issued in favour of the informant which were dishonoured due to insufficient fund.

Learned Counsel for the petitioner submits that the prosecution case is false. In fact the petitioner is the victim as the advance paid by him for purchasing land from the informant was misappropriated by the informant who also did not execute the deed in his favour. The allegations in the FIR make it clear that the FIR has been lodged only to realise money from the petitioner. It does not disclose any criminal offence whatsoever. The dispute is predominantly civil and realising this fact the informant has also filed a petition for closing the proceedings in the criminal case. Xerox copy of the petition has been annexed as Annexure 4 to the bail petition. The petitioner has no criminal antecedent and it is submitted that he is a School Teacher.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Bettiah, West Champaran in Bettiah Myuffasil PS Case No. 44 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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