

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32788 of 2020**

Arising Out of PS. Case No.-207 Year-2019 Thana- PARAIYA District- Gaya

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Dinesh Kumar Suman @ Dinesh Kumar, S/o Late Bhola Singh, R/o village-  
Koeri Bigha, Kashthua, P.S.- Paraiya, District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      08-12-2020                      Heard learned counsel for the parties through video  
conferencing.

Petitioner seeks bail in a case registered for the  
offence punishable under Sections 406 and 420/34 of Indian  
Penal Code and 138 of N.I. Act.

As per the prosecution case, the informant of the case  
paid Rs. 24,00,000/- (Rupees Twently Four Lakhs) for execution  
of the sale deed in his favour but the petitioner refused to  
execute the sale deed in his favour and returned only  
Rs.6,00,000/- (Rupees Six Lakhs) after several reminders. It is  
further alleged that petitioner has issued three cheques of  
Rs.2,00,000/- (Rupees Two Lakhs), Rs.2,00,000/- (Rupees Two  
Lakhs) and Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousands)  
each but all them bounced due to insufficiency of funds. Thus,



petitioner neither executed the sale deed in the informant's favour nor returned the remaining money.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case and he has already returned Rs.6,00,000/- (Rupees Six Lakhs). It is further submitted that no offence under Section 406 and 420 of I.P.C. has been made out against the petitioner as from bare perusal of the F.I.R., it is apparent that some of the alleged money has already been returned to the informant. Petitioner is in custody since 16.12.2019 and charge-sheet has already been submitted. Petitioner has got clean antecedent as stated in paragraph no.3 of the bail petition.

However, learned A.P.P. for State has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case, nature of allegation and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in Paraiya Police Station Case No. 207 of 2019, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

**(Prabhat Kumar Singh, J)**

Ankit/-

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