

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48551 of 2019

Arising Out of PS. Case No.-447 Year-2019 Thana- BUXAR District- Buxar

Prashant Kumar Son of Late Ajay Kumar Lakhaiyar Resident of Mohalla -
Lakhaiyar Building, P.S.- Kadamkuan, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babita Kumari

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 18-02-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in a case registered for the offence under sections 420, 406, 467, 468 and 34 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated by the informant that he wanted to start the work of Flax Printing and as such he got into touch with Deepak Kumar Karna, Proprietor of Digital India Sign Cad Cam Technology. On his instruction he went and met Prashant Kumar i.e. the petitioner herein, who explained to him about the Flax Printing. It is further stated that later on Prashant Kumar with two persons introduced them as Deepak Kumar Karna and Akshay Kumar and an agreement was also



entered into between them. It is further stated that on 23.01.2019 he paid a sum of Rs. 11,000/- in cash to the petitioner and an understanding was arrived at for supplying of an old machine for Rs. 3.5 lakhs and that he would have to pay the transportation charges separately. He further states that he paid the amounts on different dates by RTGS. He was supplied with the body of the machine by Jai Maa Dukhrai Road Ways Gaya and on the instructions of the three accused persons, he deposited the amount by RTGS in the account numbers mentioned in the F.I.R. It is finally submitted that all the three accused persons had conspired and cheated him out of the various amounts which he was made to deposit in the accounts.

It is submitted by learned counsel for the petitioner that from perusal of the F.I.R. itself, it would transpire that the agreement with respect to supply of a second hand machine for Flax Printing was between the informant and the company, namely, Digital India Sign Cad Cam Technology. It is further submitted that all the transactions with respect to deposit of money etc. which has taken place between the informant and the company was in the account of the company and the petitioner did not have anything to do with the same. He submitted that at best one transaction with respect to payment of cash to the tune



of Rs. 11,000/- is said to have been made to the petitioner but this was also passed on by the petitioner to the company which the informant agrees to have made in course of his transactions. The petitioner was only acting in good faith on the instructions of the informant and the company as the informant was unable to go to Delhi.

On the other hand, it is submitted by learned counsel for the informant that there is direct allegation against the three accused persons including the petitioner of having cheated the informant in the transaction and thus anticipatory bail may not be granted to this petitioner.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that from reading of the F.I.R., the allegation levelled is mainly in the business transaction between the petitioner and the company in question and that the petitioner has no criminal antecedent, this Court is inclined to enlarge the petitioner on bail. The petitioner above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Buxar Town P.S. Case no.



447 of 2019 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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