

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60869 of 2019

Arising Out of PS. Case No.-271 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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VIKASH KUMAR Son of Vijay Kumar Resident of Village - Sakari Gali,
Gowertoi, P.S.- Alamganj, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar Son of Kalicharan Prasad Resident of Village - Sheo Shakti
Nagar, Bazar Samittee, P.S.- Bahadurpur, Dist.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Das

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

10 25-09-2020 As of now, the Courts have not resumed normal physical
hearing. The matter has been listed today for consideration
through Video Conferencing.

Learned counsel are appearing and making submissions
from their residence. The Court master and Secretary are also
part of this virtual Court proceedings with the aid of audio
visual technology.

Heard learned counsel for the petitioner and learned APP
for the State .

Petitioner apprehends arrest in connection with complaint
case no. 271 of 2019, instituted for the offence under Section(s)
420,406/34 of the Indian Penal Code.



It is submitted by the petitioner's counsel that at best he can be held liable for the amount of Rs. six lacs fifty thousand received on account of an advance. It is further submitted that 13 lacs have been paid to others. This Court in the instant proceeding would not determine the liability of the parties. The parties would be at liberty to settle their claims for the remaining amounts.

Since the petitioner has annexed copies of the demand draft for an amount of Rs two lacs, learned counsel for the complainant submits that he should be liable to make good the total amount of Rs. 6,50,000/- without prejudice to right of the petitioner.

In view of the rival submissions, this Court would allow two weeks time to petitioner to surrender before the Court below i.e. (Addl. Sessions Judge-V, Patna City) in connection with Complaint case no. 271 of 2019, along with draft of Rs. two lacs as per Annexure -7 of the supplementary affidavit which would be handed over to the complainant. In that event the Court below may grant the petitioner provisional bail for a period of two months to its own satisfaction so as to enable him to make good the payment of the balance amount of Rs. 4,50,000/- as per the undertaking submitted by the counsel for



the petitioner.

It is made clear that in case of default by the petitioner to comply with the terms agreed upon between the parties, needless to say, the learned court below will be at liberty to pass appropriate order including cancellation of bail of the petitioner. In the event payment is made good the Court below may consider confirming the petitioner's provisional bail.

The application stands disposed off.

(Madhuresh Prasad, J)

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