

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1981 of 2021

Arising Out of PS. Case No.-320 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

=====

Arun Kumar Singh Son Of Rajendra Prasad Singh Resident Of Suryamandir
Shahpur, P.S.-aurangabad Town, District-Aurangabad. Petitioner

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP
For the Informant : Mr. Rudal Prasad, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-12-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard Mr. Krishna Prasad Singh, learned Senior Counsel
for the petitioner and Mr. Rudal Prasad, learned counsel for the
informant as also Mr. Ataur Rahman, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Aurangabad Town P.S. Case No. 320 of 2020
registered for the offences punishable under Sections 406 and 420 of
the Indian Penal Code. The petitioner has not criminal antecedent.

As per the first information report, the petitioner had
received a sum of Rs.8 lakhs from the informant and had
acknowledged the said money on a non-judicial stamp paper and had
promised the refund the same within 6 to 8 months. The allegation is
that even after a lapse of 3 years, the accused has not refunded the



said amount with malafide intention.

On the last date when the matter was taken up for consideration after some discussions at the Bar, it was adjourned for learned Senior Counsel for the petitioner to seek instruction.

Today, this Court has been informed that the petitioner is willing to pay 50% of the amount within 2 months from today and the rest of the 50% shall be paid within 6 months thereafter in equal monthly installments.

Learned counsel for the informant submits that if the petitioner pays the said amount as stated above, subject to his rights and contentions intact, the informant shall receive the same and would not oppose the prayer for anticipatory bail of the petitioner.

Having regard to the submissions noted above, this Court directs that the petitioner above named in the event of his arrest or surrender within eight weeks from today be released on **provisional bail** on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Aurangabad Town P.S. Case No. 320 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the



petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that in terms of his own submissions, the petitioner shall pay a sum of Rs.4 lakhs to the informant within 2 months from today and shall pay the rest of Rs.4 lakhs in 6 equal monthly installments which will be counted from the date of expiry of 2 months from today.

In case the petitioner fails to abide by the aforesaid condition, the learned court below shall cancel the bail bond and shall take steps to take the petitioner in custody.

If the petitioner complies with the aforesaid conditions, after being satisfied that he has paid the entire amount to the informant in terms of his offer stated above, the learned court below shall confirm the bail bond of the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

