

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5819 of 2021

Arising Out of PS. Case No.-151 Year-2020 Thana- NARDIGANJ District- Nawada

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Pankaj Kumar, male, aged about 40 years, Son of Sukhdev Singh, R/o
Village- Bhadaur (Nardiganj), P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadya Singh, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 08-10-2021 Heard Mr. Ramadya Singh, the learned Advocate

for the petitioner and Mr. Ram Priya Sharan Singh, the

learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Nardiganj P.S. Case No. 151 of
2020, dated 04.07.2020, instituted for the offences under
Sections 420 and 406 of the Indian Penal Code.

From the accusation levelled in the F.I.R. by the



Branch Manager of the Bank in which the petitioner maintains an account, it appears that by mistake, the amount which should have been debited from the bank account of the petitioner, was for some reason got deposited in his account only. When this matter came to light, the petitioner was asked by the Bank authorities to return the aforesaid amount. The petitioner, however, dilly-dallied and up-till now, he has not returned the aforesaid amount. This, it has been alleged, is the case of unjust enrichment and the petitioner has defaulted as a good customer in not returning the amount which was wrongly credited in his account.

Mr. Ramadya Singh, the learned Advocate for the petitioner, after some arguments, realized that the petitioner is required to return that amount to the Bank as it was wrongly credited in his account. He submits that it should not have been taken advantage of and the petitioner ought not to try to avoid making that payment to the Bank. The petitioner, it has been submitted, is ready to return the amount in question, but only in installments.

Accepting the aforesaid contention of the



petitioner, this Court directs that in the event of the petitioner depositing the amount of Rs. 1,00,000/- upfront in the Bank and presenting a proof of such deposit before the Court below, he shall be released on provisional bail. The balance amount of Rs. 2,54,000/- shall be returned by the petitioner within a period of three months to be counted from today.

Once the entire amount is deposited and proof of such deposit is shown the Court below, the provisional bail of the petitioner shall be confirmed.

In the event of the petitioner not fulfilling his commitment, necessary steps shall be taken for cancellation of the bail granted to he petitioner.

With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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