

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63455 of 2019

Arising Out of PS. Case No.-48 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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DEEPAK JAISWAL Son of Munna Jaiswal @ Manna Prasad Jaiswal
Resident of Village - House No.43, Mainatali, Mugalpur, P.S.- Mughal Sarai,
Dist.- Chandauli (U.P.)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Santosh Kumar Son of Sri Hanuman Prasad Resident of Village -
Mahammadpur Patel Nagar, House No.8, Mughal Sarai, P.S.- Mughal Sarai,
Dsit.- Chandauli (U.P.)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kant Mani Tripathi
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

10 18-01-2021 Heard the learned counsel for the petitioner, Shri

Rajesh Kumar, the learned counsel for the complainant and Shri

Sanjay Kumar Singh, the learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. C-48 of 2018, giving rise to Trial No.
2277 of 2019 for the offence punishable under Section 420 of
the Indian Penal Code and Section 138 of N.I. Act.

The allegation is regarding the complainant having
given a sum of Rs. 20 lacs to the petitioner in lieu of the
promise by the petitioner to provide a flat in Delhi, however, the
said amount given by the complainant was neither returned nor



the flat was registered in the name of the petitioner. It is further alleged that subsequently the petitioner had refunded the said amount of Rs. 20 lacs by way of two cheques, however, the same was dishonoured due to insufficient of fund, when the same was deposited in the Bank account by the complainant.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that in order to show his bona fide, the petitioner is ready and willing to deposit a sum of Rs.7,50,000/- before the Nazarat of the learned court below.

Per contra, Shri Rajesh Kumar, the learned counsel for the complainant and the learned APP for the State Shri Sanjay Kumar Singh, have vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the nature of accusation as also the fact that the petitioner is ready and willing to deposit a sum of Rs. 7,50,000/- in order to show his bona fide, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, subject to the petitioner depositing a sum of Rs. 7,50,000/ before the Nazarat of the learned Civil Court at



East Champaran, Motihari, in the manner indicated herein below, as also subject to such other conditions as may be deemed fit and proper to be imposed by the learned court below for the purposes of grant of anticipatory bail.

It is needless to state that the first installment of Rs. 5 lacs shall be deposited by the petitioner within a period of six weeks from today, whereafter he shall be granted the privilege of provisional anticipatory bail, subject to such conditions as may be imposed by the learned court below and thereafter, he shall deposit a sum of Rs. 2,50,000/- within a period of six weeks therefrom and the learned court below shall confirm the provisional anticipatory bail to be granted to the petitioner herein, however, in default to do so the said privilege of anticipatory bail shall stand cancelled. It is clarified that the aforesaid deposit of a sum of Rs. 7,50,000/- by the petitioner shall be subject to the final outcome of the present case.

For a period of six weeks, no coercive steps shall be taken against the petitioner in connection with Complaint Case No. C-48 of 2018, giving rise to Trial No. 2277 of 2019, pending before the learned S.D.J.M., Raxaul at Motihari, East Champaran.

The present petition stands disposed of with the



aforesaid directions.

(Mohit Kumar Shah, J)

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