

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5364 of 2022

Arising Out of PS. Case No.-1194 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Yogendra Kumar Dutta S/o Late Baleshwar Sharma Resident of 480A, Nehru
Nagar, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha
For the Opposite Party/s : Mr. Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in C.A. Case
No.1194(C)/2019, registered for the offences punishable under
Sections 406 and 420 of the Indian Penal Code and Section 138
of the N.I. Act.

The complainant is said to have given loan of
Rs.5,00,000/- to the petitioner. When the complainant demanded
the money, the petitioner gave a cheque of Rs.5,00,000/- of
S.B.I., Patliputra Branch bearing Cheque No.777902 dated
03.01.2019 to the complainant but when the cheque was
presented before the Axis Bank, Rajendra Nagar Branch for
encashment, it was dishonoured due to insufficient fund.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is also submitted that the petitioner is ready to return Rs.5,00,000/- to the complainant.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner has got criminal antecedents.

Taking into consideration the fact that the petitioner is ready to return Rs.5,00,000/- to the complainant, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIVth, Patna in connection with C.A. Case No.1194(C)/2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioner is directed to pay Rs.2,00,000/- (rupees two lakhs) to the complainant at the time of furnishing bail bond. Thereafter the rest amount, i.e., Rs.3,00,000/- (rupees three lakhs) shall be paid to the complainant in two equal installments of Rs.1,50,000/- each within a period of six months



from the date of payment of the first installment.

The learned court below is directed to ensure payment of the aforesaid amount to the complainant of the present case, as per the terms stated above, and if the petitioner fails to make payment, as per the terms stated above, the learned court below would be at liberty to cancel the bail bond of the petitioner.

(Anjani Kumar Sharan, J.)

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