

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8583 of 2022**

Arising Out of PS. Case No.-98 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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SYED MD. ARSALAN S/o Late Syed Md. Shamim R/o Village- English
Mokimpur, P.S.- Shahkund, District-Bhagalpur, Bihar and Presently residing
at House No. D-819, 3rd Floor, Near Madarsa Jaidpur Extension, Part- II,
Khadda Colony, P.S.- Jaidpur, District- South Delhi- 110044.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 24-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has antecedent of one case.

The informant alleges that he had given Rs.2,00,000/-
to the petitioner on 02.07.2019 and again an amount of
Rs.2,00,000/- was given on 04.07.2019 i.e. an amount of
Rs.4,00,000/- to the petitioner on the ground that he had assured
that he will get a job for the informant but neither the money has



been returned nor the informant has got a job, as such, the informant was cheated by the petitioner of an amount of Rs.4,00,000/-.

Learned counsel for the petitioner submits that no offence under Sections 406, 420, 504 and 506 of the Indian Penal Code is made out and even presuming what has been alleged in the FIR is true without admitting the same then the informant for committing an illegality had given Rs.4,00,000/- to the petitioner, as such, even the informant has committed the offence. It is next submitted that the admitted amount was paid by 04.07.2019 and the FIR has been instituted on 11.02.2021 i.e. after an inordinate delay of nineteen months without any plausible explanation.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the fact that the FIR has been instituted after much delay, the 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 released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhagalpur Kotwali (Jogsar) P.S. Case No. 98 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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