

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9405 of 2022

Arising Out of PS. Case No.-1812 Year-2017 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Santosh Kumar Prasad, S/O Late Madan Prasad R/O Village- Shakhe Khas,
P.S.- Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Phulbibbi W/o Samsul Hoda R/o village- Kachahin Tola, Shakhe, P.S.-
Uchkagaon, District- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Dhramveer
For the Opposite Party/s :	Mr. Akhileshwar Dayal
	Mr. Shailendra Kumar Dwivedi

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 21-11-2022 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section 406
of the Indian Penal Code.

The learned counsel for the petitioner submits that he
has instruction to submit that he is willing to repay the amount
which the complainant had deposited in the company on his
asking. Though petitioner is not at fault as the company cheated,
but still he owes his responsibility towards the complainant, as
such, will repay the amount. The stand of the petitioner is fair.

The learned counsel for the complainant also submits
that he has instruction that complainant is willing and ready on



the terms as submitted by the learned counsel for the petitioner that he will repay Rs.36,000/- to the complainant within a period 16 weeks from today. The learned counsel for the complainant submits that the moment the complainant received the entire consideration as agreed, she will also withdraw the present case against the petitioner.

Considering the joint submissions made by the learned counsel for the petitioner and the complainant, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No.1812 of 2017, Trial No.1506 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Further, if the complainant files an application before the learned trial Court bringing to its notice that the petitioner as agreed before this Court has not paid the money within time aforesaid, the learned trial Court after hearing the petitioner shall pass order in accordance with law and shall be at liberty to



cancel the bail bonds of the petitioner.

The application stands allowed.

(Satyavrat Verma, J)

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