

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25460 of 2022**

Arising Out of PS. Case No.-374 Year-2020 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

=====

ASHWANI KUMAR S/O NAWAL KISHORE R/o village- Purani Chowk,
Ward No. 17, P.S. and District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shambhu Dutt S/o Late Yamuna Prasad R/o village- Purani Chowk, Ward
No. 20, P.S. and District- Gopalganj

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP
For the Complainant	:	Mr. Indrajeet Bhushan Mr. Manish Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioner, learned
counsel for the complainant 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
and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the complainant
alleges that the accused persons, including the petitioner, took
Rs. 6,50,000/- out of Rs. 10 lakhs from the complainant in lieu
of selling their land but later resiled, further the petitioner gave
three cheques to the complainant for an amount of Rs.



6,50,000/- but the same bounced.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that he does not dispute that the cheques were issued by him and he has taken the amount but then the said amount of Rs. 6,50,000/- was not paid in one go rather the same was paid in installments. Learned counsel further submits that petitioner is willing to repay the amount in installments to which the learned counsel for the informant, on instruction, does not dispute, learned counsel further submits that the petitioner within six weeks from today will pay an amount of Rs. One Lakh to the complainant and thereafter within six months i.e., by 10.07.2023, another Rs. Two Lakhs and rest Rs. Three lakhs would be paid by 1st July, 2024.

Learned counsel for the informant based on instructions and view of the submissions made by the learned counsel for the petitioner does not oppose the anticipatory bail of the petitioner, for the present.

Considering the submissions made by the learned counsel for the petitioner, 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. 5,000/- (Rupees Five 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 Complaint Case No. 374 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, in the event, if the petitioner does not pay the installments, as agreed, within the time-frame, the informant shall be at liberty to file an application before the learned trial court seeking cancellation of his bail bonds and the learned trial court after hearing the petitioner, shall pass orders in accordance with law.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

