

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35188 of 2021

Arising Out of PS. Case No.-162 Year-2017 Thana- CHHATAPUR District- Supaul

MD. ARSHAD S/O MD. QADIR Resident of Ward No. 09, Toufir Tamganj,
P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Verma, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 406, 420 of the Indian Penal Code.

Prosecution case, in short, is that the petitioner by
fraudulent transaction transferred Rs.35,000/- into his own
account from the account of the informant.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the



present case. As per the allegation, the petitioner by fraudulent transaction transferred Rs.35,000/- in his account, which belonged to the informant. It has further been submitted that the petitioner is ready to return the said amount to the informant within a period of eight weeks.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner is directed to deposit an amount of Rs.35,000/- in the court below by way of demand draft in the name of the informant, within a period of eight weeks. Said demand draft for an amount of Rs.35,000/- shall be given to the informant by the court below and receiving of the informant shall be taken by the court below. On doing so, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve 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 learned A.C.J.M. VI, Supaul in connection with Chhatapur P.S. case No.162/17, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



The parties will be at liberty to make an application thereafter in the court below for dropping the prosecution in the light of the fact that the dispute has been resolved between them. If any such application is made, the court below shall consider the same and pass an appropriate order in accordance with law.

(Sudhir Singh, J)

Narendra/-

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