

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46274 of 2021

Arising Out of PS. Case No.-262 Year-2021 Thana- BIHAR District- Nalanda

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SUJEET KUMAR S/o RAJKUMAR CHAUDHARY R/O VILLAGE-
KORAI, P.S-DEEPNAGAR, DISTRICT-NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Advocate
For the Opposite Party/s	:	Dr. Indihar Kumari, APP
For the Informant	:	Mr. Nilesh Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

9 12-05-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 406, 420, 419,
467, 468, 471 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the
informant that a sum of Rs. 5,90,000/- was paid by the
informant to the petitioner while his maternal uncle paid a sum
of Rs. 5,50,000/- to the petitioner on the petitioner's promise to
get them a job.

It is submitted by learned counsel for the petitioner
that the allegations are false and concocted. No such
transactions took place between the parties. The transactions



were for reasons other than what has been narrated in the FIR. The petitioner is in custody since 17.4.2021 and investigation in the case has concluded. It is further submitted by learned counsel for the petitioner that for the purpose of bail application, a sum of Rs. 4,000/- in cash which was paid by the informant in the account of the petitioner and a sum of Rs. 50,000 which was paid by the maternal uncle in the account of the petitioner ie a total of sum of Rs. 54,000/-, the petitioner is ready to return the same and is being returned by an account payee demand draft of Rs. 54,000/- bearing no. 084169 dated 2.5.2022 drawn on the Union Bank of India, Ashok Raj Path Branch in favour of the informant Sonam Rahi. Learned counsel for the petitioner submits that this payment shall not be treated as a final settlement of dispute with respect to the transaction of money between the parties.

Learned counsel for the informant accepts the aforesaid demand draft of Rs. 54,000/- in favour of the informant Suman Rahi. On behalf of the informant he reiterates that this shall not be treated as final settlement of dispute between the parties relating to transactions etc. and is to be treated for the purpose of the instant bail application only.

Heard learned APP for the State.



Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation specially the payment of aforesaid sum of Rs. 54,000/-, the petitioner being in custody since 17.4.2021 and investigation in the case having concluded, the petitioner is directed to be enlarged on bail in connection with Bihar P.S. Case no. 262 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif.

Let the original demand draft be handed over to learned counsel for the informant.

None of the observations made herein above shall be used by either of the parties in course of trial.

(Partha Sarthy, J)

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