IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62328 of 2021

Arising Out of PS. Case No.-18 Year-2017 Thana- MOTIHARI TOWN District- East Champaran

==

Ranjeet Kumar Jha, Son Of Prem Kumar Jha Resident Of Village - 26 Anugrah Narayan Path, Boring Road, P.S.- Shri Krishna Nagar, Distt.- Patna.

... ... Petitioner/S

Versus

1. The State Of Bihar
2. Subha Chandra Gupta, S/o Rameshwar Prasad Gupta, R/o Pipra, P.S.-Pipra, District- West Champaran.

... ... Opposite Party/s

==

Appearance :
For the Petitioner/s : Mr. Mrigendra Kumar Singh
For the Opposite Party/s : Mr. Arun Kumar Pandey

==

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 406, 420, 467, 468, 471 and 120(b) of the Indian Penal Code.

In compliance of the order dated 14.07.2022, notices by both modes were issued upon the informant.

The learned counsel for the petitioner submits that notices were filed in time, but from perusal of the report submitted by the office, it appears that the registered notice was returned undelivered with the report of the Postal Peon that wrong address.

The learned counsel for the petitioner submits that it absolutely does not stand to reason that the address as furnished by the informant in the complaint petition in pursuance of which the present F.I.R. came to be instituted is the same on which the notices were sent, but still it has been reported that the address is wrong. The learned counsel next submits that petitioner has antecedent of one case and the informant alleges that in pursuance of advertisement, he booked a flat and paid an amount of Rs.6,21,118/- in the name of Libra Hi-tech Private Limited on 13.10.2014, but till 2015, there was absolutely no progress in construction of the Apartment. Hence, the informant demanded his money back. Thereafter, on 10.08.2015, two cheques of Rs.3,10,559/- were issued by the company to the petitioner, but both the cheques bounced on account of insufficiency of fund available in the account of the company. Thereafter, a legal notice dated 19.12.2015 was sent to the company when the informant received Rs.1,50,000/- and Rs.4,71,181/- is still dues.

The learned counsel for the petitioner submits that it has been specifically pleaded at Para-8 of the anticipatory bail application that the dues amount of the informant has been paid by the petitioner through RTGS/ account transfer and in Para-9, it has been stated that the parties have settled their dispute and have compromised the case as would be evident from Annexure-2 to the anticipatory bail application.

Learned A.P.P. opposes the bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum 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 in connection with Town Motihari P. S. Case No.18 of 2017, Complaint Case No.1478 of 2016, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, in the event, if the informant files an application seeking cancellation of the anticipatory bail order of the petitioner on the ground that the Court was misled based on the instruction furnished by the petitioner to his learned counsel, then the learned Court below shall cancel the bail bonds of the petitioner after hearing the parties.

(Satyavrat Verma, J)

vikash/-

U		T	