

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49807 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- ATHMALGOLA District- Patna

Vikash Kumar Son Of Ashok Lal Gupta Resident Of Village - Karjan, P.S.-
Athmalgola, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-12-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in a case registered for
the offence punishable under Sections 406, 420 of Indian Penal
Code.

It is alleged that on the assurance of the petitioner, the
informant opened account in Kotak Mahindra Bank and
deposited some amount. It is further alleged that the informant
gave Rs. 1,25,000/- to the petitioner to deposit the same in the
account of the informant. On the inducement of this petitioner it
is alleged that informant will get a loan of Rs. 15 lacs. In spite
of all these deposits no loan amount was sanctioned and when
informant went to Kotak Mahindra Bank, Kankarbagh, Patna he
came to know that entire money deposited by the informant has
been withdrawn by the petitioner and account balance was zero.

Learned counsel appearing for the petitioner submits
that the informant himself opened his account in Kotak
Mahindra Bank, Kankarbagh, Patna Branch and did several



transactions himself. So far allegation of receiving Rs. 1,25,000/- cash from the petitioner is false and concocted. As a matter of fact, this petitioner has transferred Rs. 1,25,000/- to the informant through bank transfer from his account of Axis Bank. It is the informant who has taken a loan of Rs. 2 lacs in lieu of that he has issued three cheques of Rs. 1,98,000/- and two cheques worth Rs. 49,000/- are still in possession of the petitioner because the informant has requested the petitioner not to present the cheque in bank, since there is no amount in the account of the petitioner. Thus, petitioner has not committed any offence. Petitioner has got clean antecedent.

Considering the aforesaid facts and circumstances, let the above named petitioner in the event of his arrest/surrender before the court below within a period of thirty days from the date of receipt/production of copy of this order, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Barh, Patna in Athmalgola P. S. Case No. 05 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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