

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11726 of 2023

Arising Out of PS. Case No.-329 Year-2020 Thana- SHRIKRISHNAPURI District- Patna

ANIL KUMAR SINGH S/o Late Anirudha Sinha @ Anirudh Singh R/o
Dheeraj Commercial Complex, Boring Road, PS- Shri Krishnapuri, Distt-
Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate Mr. Ravindra Kumar, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the informant	:	Mr. Jitendra Narain Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 11-07-2023 Heard learned Senior counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of the

State.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Shri

Krishnapuri P.S. Case No. 329 of 2020 registered for the offence

under Sections 419, 420, 406, 504, 506/34 of the Indian Penal

Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 25.10.2022.

The allegation against the petitioner is to cheat



informant for a sum of Rs. 84 lacs against proposed sale of 2nd floor of Dhiraj Commercial Complex at Boring Road, Patna. Further details of property and mode of payments are available through narration of FIR.

Learned Senior counsel Mr. P.N. Shahi, appearing on behalf of the petitioner submitted that the alleged amount was taken as a loan with a condition that if, petitioner would not able to return the same within specified period of time, will sell out his flat of 3rd floor, Dhiraj Complex, Boring Road at Patna to informant. It is submitted that in actual Rs. 67 lacs was only given to petitioner by informant as a loan. It is submitted that to secure payments, informant obtained eight cheques from this petitioner, bearing Cheque nos. 000068, 000069, 000070, 000071, 000072, 000073, 000075 and 000076 issued by different banks. It is pointed out that said cheques were used by informant and his relative to lodge false case against informant, where four criminal cases were lodged under Section 138 of Negotiable Instrument Act and Sections 406, 420, 384, 120B of the Indian Penal Code, and also filed a title suit bearing no. 148 of 2020 before the court of learned Sub-Judge, Patna with an alternate relief to pass a money decree of Rs. 84 lacs with interest @ 12%, which simply implies that present criminal case is false,



fabricated and framed as to secure the loan advanced to this petitioner under fear of jail custody and same is nothing but misuse of criminal law as dispute between the parties are purely civil in nature. With all these background by summing of his argument, learned Senior Counsel submitted that even now petitioner is ready to pay undisputed amount Rs. 67 lacs to informant out of which he is ready to pay Rs. 7 lacs within two weeks from the date of furnishing of bail bond and rest of 60 lacs within nine months, thereafter subject to compromise of criminal cases as mentioned in para 3 of the bail petition.

Learned APP, duly assisted by Mr. Jitendra Narain Sinha, learned counsel appearing on behalf of informant, while opposing the prayer of bail submitted that the disputed amount is 84 lacs and is not 67 lacs as submitted but fairly conceded that the transaction through cheques made to the extent of Rs. 67 lacs only. It is submitted that informant is ready to compromise the cases as mentioned in para 3 of the bail petition subject to realization of payment as claimed by informant through present FIR.

Considering the facts and circumstances as mentioned above and by taking note of fact, as dispute *prima facie* appears civil in nature for which a Title Suit bearing No. 148 of 2020 is



pending before the learned Sub-Judge I, Patna, coupled with the fact that matter also appears to be compromised between the parties where, petitioner is ready to pay undisputed amount of Rs. 67 lacs, where petitioner is in custody since 25.10.2022 accordingly, petitioner above named, is directed to be released on bail in connection with Sri Krishnapuri P.S. Case No. 329 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Patna Sadar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

(i) The amount of Rs. 7 lacs shall be paid to informant within two weeks from date of release/furnishing of bail bond either through cash/bank draft/cheques, duly acknowledged by informant, failing which the bail bond shall be cancelled by the learned trial court itself.

(ii) Petitioner shall pay the balance of Rs. 60 lacs to informant



within nine months, thereafter subject to
compromise of the criminal cases as
mentioned in para 3 of the bail petition.

(Chandra Shekhar Jha, J)

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