

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17412 of 2023**

Arising Out of PS. Case No.-927 Year-2021 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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DEEPAK KUMAR SINHA SON OF SAROJ KUMAR SINHA Resident of
village- Ananya Tractor Showroom Mahdeo Asthan Patna City P.S.- Bye Pass
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAKESH KUMAR S/O VIJAY PRASAD Resident of village- Ruchanpura,
P.O.- Dhangawan, P.S.- Ekangasarai, District- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Complaint Case No. 927c of 2021 under sections 420, 406, 467, 120(B) of the Indian Penal Code and section 138 of N.I. Act.

The prosecution story, in brief, is that the complainant alleged that the accused persons came at his house and presented themselves as the Director, Info Tech Pvt. Ltd. and offered to install ATM machine. The complainant deposited almost Rs. 11,000,00/- from his account on different dates in the account of Company. Further, the accused persons took Rs. 17,500,00/- in the name of installation of ATM but later they



deceived the complainant.

It has been contended by the learned counsel for the petitioner at the outset that without accepting the allegation, to end the mental torture that he has suffered, would like to pay the said amount but considering his economical condition, would pay back in installment in the following manner:

- (i) Rs. 50,000/- at the time of surrender;
- (ii) the installment of Rs. 50,000/- per month thereafter will continue for the next 11 months to be paid on the first week of said month beginning July, 2023.

Learned counsel for the informant on the other hand although opposes the prayer for anticipatory bail submits for the present he will be content if the amount is return to him.

The account number i.e. 00000035298590827, IFS Code SBIN0015345 of the informant has been made available by the learned counsel for the informant.

Considering the aforesaid fair submission made as also the fact that the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.



Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Hilsa, Nalanda, in connection with Complaint Case No. 927c of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the bail application is
allowed.

It is made clear that default in making payment in any
month, the informant is free to take steps for cancellation of his
bail bond.

(Rajiv Roy, J)

Ravi/Kiran

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