

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15358 of 2023

Arising Out of PS. Case No.-1288 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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KUNDAN KUMAR @ KUNDAN KUMAR SAH Son of Sri Jagdish Prasad
Sah Resident of village - Bharatpur Singhaura, P.S.- Mahua, District -
Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Wife of Late Gunjan Kumar Daughter of Chhotu Sah, Resident
of village - Armauli, P.S.- Sarai Ranjan (Ghataho O.P.), District -
Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
For the Informant	:	Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 27-06-2023 Heard learned counsels for the petitioner, informant
and the State.

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

It is alleged that this petitioner withdrew an amount of
Rs. 10,63,731/- (Rs. Ten Lac Sixty-Three Thousand Seven
Hundred and Thirty-One) from account of the complainant
through two cheques issued by the complainant and did not
hand over the same to the complainant.

Learned counsel appearing for the petitioner denies



the allegation and submits that the dispute is of civil nature. However, he submits that since complainant is wife of his younger brother, he is ready to deposit the amount of Rs. 2 lacs in the account of the complainant in installments.

Considering the fact that petitioner is ready to refund the amount of Rs. 2 lacs, this anticipatory bail is allowed and it is ordered that the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 Additional Chief Judicial Magistrate-III, Samastipur in connection with Complaint Case No. 1288 of 2021, T.R. No. 1826 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure as also, the following conditions:-

‘(i) At the time of furnishing bail-bond, the petitioner shall refund Rs. 1,00,000/- (One Lakh) to the complainant through demand draft.

(ii) Rest amount i.e. Rs. 1,00,000/- (One Lakh) shall be refunded to the complainant through demand draft in 2 equal installments within six months thereafter. The aforesaid payment shall be subject to the final outcome of the case.



(iii) If the petitioner fails to comply, Court below is at liberty to cancel his bail-bond.’

(Prabhat Kumar Singh, J)

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