

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24409 of 2023

Arising Out of PS. Case No.-606 Year-2022 Thana- GANDHIMAIDAN District- Patna

Md. Danish Son Of Nasim Ahmad R/O Kahlilpura, P.O. And P.S.-
Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv.
		Mr. Atul Kumar Mehta, Adv.
For the Opposite Party/s	:	Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-10-2023 Heard learned counsel for the petitioner, informant
and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 420, 406, 467, 468, 471, 34 of the Indian Penal Code.

3. Prosecution case is that an agreement for sale of Scorpio vehicle was made between the petitioner and the informant for which informant received a cheque of Rs. 6 lacs as consideration money from the petitioner and handed over the said vehicle. Subsequently, when the said cheque was presented for encashment, the same got dishonored.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that earlier an agreement for



sale of vehicle was made on 19.11.2019. The petitioner had given a cheque of Rs. 6 lacs to the informant which was dishonored for which informant lodged a case bearing Gardanibagh P.S. Case No. 537 of 2020 under Section 420, 406 of the IPC and Section 138 of the N.I. Act against the petitioner. Learned senior counsel for the petitioner further submits that the petitioner had moved before the learned court below for anticipatory bail which was granted subject to the conditions that before filing bail bond, 20% of the alleged amount of dishonored cheque of Rs. 6,00,000/- i.e. Rs. 1,20,000/- shall be deposited in the civil court, Nazarat. He further submits that the petitioner, thereafter, sold the said vehicle to another person. He submits that the cheque was not given for purchase of alleged vehicle rather petitioner and informant were involved in partnership firm namely Lamarac Construction and Orange City and both were invested in various projects. He further submits that petitioner has one criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State and informant opposing the prayer for bail submit that the petitioner sold the said vehicle by putting the forge signature of the informant.

6. Considering the facts and circumstances of the



case and the fact that the dispute is basically of civil nature, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gandhi Maidan P.S. Case No. 606 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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