

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27780 of 2023

Arising Out of PS. Case No.-872 Year-2022 Thana- BIHTA District- Patna

AMARNATH KUMAR @ AMAR NATH SINGH S/O LATE KRISHNA
SINGH R/O Village- Pandari, P.S- Bihta, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

For the Informant : Mr. Madhukar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 11-09-2023

1. Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel
for the informant.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Bihta P.S. Case no. 872 of 2022 registered under sections 420, 419 and 406 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is said to have cheated the informant of a sum of Rs. 3,00,000/- which he took for depositing in the Indusind Bank but never deposited the same. Subsequently it is stated that although a cheque was handed over by the petitioner to the informant, the same also bounced. Hence the instant FIR.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case for the oblique reason. From referring to the online Bank transactions brought on record as Annexure-2 series to the petition, it is submitted that a total sum of Rs. 1,65,600/- has already been transferred to the account of the informant, besides some amount having been paid also by cash. It is further submitted that so called cheque which is alleged to have bounced has been issued by the wife of the petitioner. It is submitted that the some loan had been taken by the petitioner from the informant and dispute if any relates to accounting between the parties. It is further submitted that the petitioner although may agree to pay the sum of Rs. 2,09,400/- to the informant, however it may be observed that the said amount would be subject to the final accounting and/or adjudication by the Court as and when the petitioner and/or his wife may decide to file a civil case against the informant herein.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case and the submissions made by learned counsel for



petitioner it is directed that the petitioner shall pay a sum of Rs. 2,09,400/- to the informant. On the said amount being received in the account of the informant and acknowledgment of the same by the informant in the learned court below, the petitioner shall be released on anticipatory bail in connection with Bihta P.S. Case no. 872 of 2022 on furnishing bail bond of Rs 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Danapur, District Patna.

7. It is further directed that the payment of the aforesaid amount shall be made by the petitioner within a period of three weeks from today.

8. As stated above, the payment of the aforesaid amount shall be subject to any civil case which may be filed by the petitioner or his wife for the purpose of accounting etc. between them and the informant.

(Partha Sarthy, J)

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