

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30875 of 2023

Arising Out of PS. Case No.-7037 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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AMRESH KUMAR SINGH S/o- RAJ KISHORE SINGH Village-
Kapoorchak Ps- naya Gaon Chausa Dist- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinky Devi D/o- Ram Dayal Ray, W/o- Umesh Ray Village- Raibagh Ps-
Didarganj Kachhi Dargah Dist- patna at present- Bairiya Ps- gopalpur Dist-
Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP.
Mr. Vinay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-08-2023 Heard the parties.

2. Learned counsel for the petitioner has filed a
supplementary affidavit.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420 of the
Indian Penal Code and Section 138 of N.I. Act.

4. Allegedly, petitioner is said to have taken Rs. 55 lacs
from the complainant despite knowing the fact that concerned
appeal is pending before the Hon'ble Court and the same has not
been disclosed by the petitioner to the complainant at the time of
agreement to sale which shows ill-will of the petitioner



regarding money taken from the complainant.

5. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that complainant and her husband have filed this false case against the petitioner having ill intention to get the entire amount from the petitioner by deceiving him. He further submits that petitioner is ready to return Rs. 25,00,000/- (Rupees Twenty Five Lacs) and 30,00,000/- (Rupees Thirty Lacs) to the complainant and Soni Arya, respectively within one year, which is also evident from supplementary affidavit. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State as well as learned counsel for the complainant opposed the prayer for bail.

7. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on **provisional bail** for a period of one year, in the event of his arrest or surrender before the learned Court below within a period of six



weeks from today, 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 Complaint Case No. 7037 (C) of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. After full and final payment of Rs. 25,00,000/- (Rupees Twenty Five Lacs) and 30,00,000/- (Rupees Thirty Lacs) to the complainant and Soni Arya, respectively, within one year, the provisional bail of the petitioner will be confirmed by the learned Court below.

9. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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