

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40077 of 2023**

Arising Out of PS. Case No.-266 Year-2020 Thana- GAYA MUFASIL District- Gaya

AKASH KUMAR SON OF GANGA PRASAD N K LAL ROAD NEAR S M
LIGHT AAKASH ENTERPRISES PS KOTWALI DIST GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Adv.
For the Opposite Party/s	:	Mr. Parmanand Kumar, APP
For the Informant	:	Mr. Ramashish, Adv with Mr. Mrigendra Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 28-08-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 420 and 406 of the
Indian Penal Code and Section 138 of the N.I. Act.

3. As per prosecution case, the informant said that the
petitioner is friend of her husband and she added that the
petitioner came and said that he is getting distributorship of
Himalaya Company and T.Mauli and due to such he is in urgent
need of money. Further it is said that despite of profit, the
petitioner gave nothing to them and when she demanded her
profit then the petitioner gave her three cheques worth of Rs. 5
lacs and assured to give her the profit and remaining 6 lacs in



next two months and later on the three cheques were presented in the bank on which all the cheques bounced due to insufficient fund. When she informed the petitioner on phone about bouse of cheques, then the petitioner started threatening her. Ultimately, on 24.06.2020 the informant, through her lawyer a notice was served to the petitioner demanding his money.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. It is submitted on behalf of the petitioner that he is ready to give the total amount of Rs. 5 lacs to the informant within three months. Petitioner has got no criminal antecedent and languishing in judicial custody since 01.11.2022.

5. The petitioner is directed to deposit an amount of Rs. Five lac (Rs. 5,00,000/-) to the informant and out of which Rs. one lac before the time of filing bail bond and rest amount he will deposit within a period of three months after releasing from custody.

6. Learned counsel for the informant shall provide bank account number of the informant to the petitioner within a period of one week from today.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as



period of custody, this court is inclined to enlarge the petitioner on **provisional bail**. The above named petitioner is directed to be enlarged on **provisional bail** on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Gaya Muffasil P.S. Case No. 266 of 2020.

8. The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. One lac (Rs. 1,00,000/- only) by the petitioner in the account of the informant.

9. Accordingly, this application stands disposed of with a direction to the learned trial Court that he will confirm the **provisional bail** of the petitioner, when the rest arrear amount i.e., Rs. 4 lacs will be given by the petitioner to the informant within three months and the entire amount will be the subject to the final adjudication.

(Sunil Kumar Panwar, J)

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