

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39465 of 2023

Arising Out of PS. Case No.-2000 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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1. RAM TANU DUTTA @ RAM TANU DATTA S/O LATE SATYARANJAN DATTA R/O Mohalla- Shyam Nagar,Sarda Colony North P.G-5, PS.Jagadal, Dist. West Bengal
 2. MITHU DUTTA @ MITTHU DATTA W/O RAM TANNU DATTA @ RAM TANU DUTTA R/O Mohalla- Shyam Nagar,Sarda Colony North P.G-5, PS.Jagadal, Dist. West Bengal

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. SURAJ KUMAR S/O SRI GOWARDHAN VERMA R/O Mohalla- Azad Nagar, P.O. Chiraura, PS. Naubatpur, Dist. Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ranjeet Kumar
For the Opposite Party/s :	Mr. Ajit Kumar
	Mr. Amar Anand
	Mr. Arun Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-10-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 420 and other allied Sections of the Indian Penal Code and 138 of the N.I. Act.

3. The prosecution case is that the complainant, who is a business man came in contact with the petitioner no.1 for dealing for a JCB machine through refinance on the amount of Rs.17,75,151/-. An agreement was prepared between the



petitioner and the complainant at the rate of Rs.17,75,151/-. The complainant paid Rs.3,53,400/- to the petitioner no.1 in advance. It is alleged that till date neither the J.C.B machine refinanced in name of the complainant nor returned the advance amount.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The petitioner no.1 is always ready to return the money to complainant in installment, which is also mentioned in para-9 of the bail application. Petitioner no.2 is the wife of petitioner no.1 and there is no specific overt act against her. Petitioners have no criminal antecedent.

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

6. Having regard to the facts and circumstances of the case as the petitioner no.1 is ready to return Rs.3,53,400/- to the complainant in installments, let the above named petitioners, be released on *provisional* bail for a period of six months, in the event of their 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) **each** 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 Danapur Patna Complaint Case No.2000 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, the *provisional* bail of the petitioners shall be confirmed by the learned Court below itself after satisfying that the petitioner no.1 has paid Rs.3,53,400/- to the complainant.

8. Accordingly, this application is disposed of.

(Anjani Kumar Sharan, J)

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