

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41615 of 2023

Arising Out of PS. Case No.-777 Year-2016 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Saudagar Pandey Son Of Late Srikrishn Pandey Resident Of Mohalla- Chini
Mill Buxar, Ward No. 34, Ps- Buxar (T), District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Sachidanand Pandey Son Of Chintamani Pandey Resident Of Mohalla-
Chini Mill Buxar, Ward No. 34, PS- Buxar (T), District- Buxar
- Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ramakant Yadav, Advocate
For the the Complainant :		Mr. Gopal Jha, Advocate
		Mr. Shreepal Jha, Advocate
For the State	:	Mr. Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 17-10-2023 Heard learned counsel for the petitioner, learned
counsel for the complainant as well as learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.777(C) of 2016, complaint
dated 24.08.2016 registered for the offence punishable under
Sections 420, 406, 506 of the Indian Penal Code and 138 of the
N.I. Act.

3. The prosecution case, in short, is that on
23.07.2015 complainant has paid cash Rs.6,40,000/- as lend to
Saudagar Pandey for urgent need to pay liability and other
necessary works, on the assurance to return the same within 05-



06 months. When after spending time, he demanded his money then petitioner handed over 01 (one) Cheque No. 068682 dated 17.01.2016 of Axis Bank Ltd. Branch Buxar & stated to deposit in his account after 02 months. After that on 13.04.2016, he deposited in his account, but with endorsement that funds insufficient, such Cheque bounced on 16.04.2016. After that, he met with the petitioner, but petitioner not returned his money. Thereafter, on 16.05.2016 he sent Legal Notice through his learned Advocate, but petitioner not replied. After that, on 23.08.2016 at at 4 P.M. he again met with petitioner and demanded his money, but even after petitioner ignored to return his money and threatened him for dire consequences. Thus, petitioner has grabbed his money and committed offence of breach of trust under criminal conspiracy.

4. Learned counsel for the petitioner on instruction fairly submits that he is ready to pay entire amount as alleged in the complaint petition of Rs.6,40,000/- to the complainant and for which a supplementary affidavit has been filed

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner,



above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Buxar in connection with Complaint Case No.777(C) of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall produce a Demand Draft of Rs.1,00,000/- in favour of the complainant at the time of furnishing his bail bond and learned court below is directed to hand over the said Demand Draft to the complainant or his representative.

(ii) Petitioner shall deposit the rest amount of Rs.5,40,000/- in twelve equal installments, which starts from the month of November, 2023 after furnishing his bail bond.

(iii) If the petitioner fails to deposit the installment, the complainant is at liberty to move before the court below for cancellation of his bail bond.

(iv) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(v) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(vi) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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