

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42059 of 2023

Arising Out of PS. Case No.-32 Year-2021 Thana- DIGHALBANK District- Kishanganj

Anil Kumar Niraj Son Of Hareram Jha Resident Of Belbari Ps- Tarabari,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sunil Kumar
For the Opposite Party/s :	Mr. Sanjay Kumar Tiwary
	Mr. Raj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State assisted by learned counsel for the
informant.

2. Earlier the petitioner has been granted anticipatory
bail by the learned Court below vide order dated 02.07.2021
passed in A.B.P. No. 265 of 2021, with the direction to pay 20%
of the cheque bounce amount to the informant but the petitioner
has not paid the said amount, thereafter, in 2023 he again filed
anticipatory bail application in the learned Court below and the
said anticipatory bail application is dismissed by the learned
Court below vide order dated 03.06.2023 passed in A.B.P. No.
188 of 2023 stating therein that second anticipatory bail
application cannot be entertained by this Court.



3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 406 of the Indian Penal Code and Section 138 of N.I. Act.

4. As per the prosecution case, the petitioner has contracted to sell his land to the informant in Rs. 15,00,000/-. Informant has given Rs. 8,00,000/- cash in advance and an agreement was made to get the land registered till December, 2020 for which a cheque was taken as guarantee. Later on, at several dates in toto Rs. 13,15,000/- was paid to the petitioner and when asked to get the land registered in favour of the informant, then the petitioner refused to do so and told him to return the money and gave a cheque but in course of encashment, cheque got bounced.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Learned counsel for the petitioner submits that the petitioner is ready to pay 40% of the said amount to the informant i.e. Rs. 5,26,000/- within six months. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State and learned counsel



for the informant opposed prayer for anticipatory bail.

7. Considering the facts and circumstances of the case, let the above named petitioner, be released on **provisional bail** for **eight months**, 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 Dighalbank P.S. Case No. 32 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. The learned Court below shall confirm the provisional bail of the petitioner after satisfying himself that the petitioner has paid Rs. 5,26,000/- to the informant.

9. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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