

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52164 of 2022

Arising Out of PS. Case No.-308 Year-2022 Thana- AGAMKUAN District- Patna

Amit Kumar Son Of Vivekanand (AUTHORISED Directors Bgrg, Elector Soft Private Limited) Resident Of D319/323 Maidan Floor, Krishna Park, Delhi Marg, Khanpur, P.S. Nebsarai, South Delhi 110062

... .. Petitioner/s

Versus

1. The State of Bihar
2. Krishna Kumar Son Of Narendra Prasad Resident Of Mohalla- Sakari Gali, P.S.- Alamganj, District- Patna. Office Address Authorised C And F And Proprietor M/S Power Point Electronics, Place Of Business At Plot No. 4 Rcb/50, Sector-4, P.S.- Agamkuan, Bahadurpur, Patna, Bihar, 800026.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gyan Prakash, Advocate
For the Opposite Party/s	:	Mr.Bharat Bhushan, APP
For the informant	:	Mr. Krishana Mohan Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Agamkuan P.S. Case No. 308 of 2022 under sections 406
and 420 of the Indian Penal Code.

As per the prosecution story, the informant alleged
that there was an agreement between the parties after which Rs.
10 lakh was paid to the accused but he chose not to fulfill the
said terms and conditions and thus breached the trust.



Learned counsel for the petitioner at the outset submits that without accepting the allegation, he would like to return Rs. 5 lakh to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

It is his further submission that he is ready to sit with the informant and sort out the misunderstanding and if the informant is entitled to the rest of the amount and/or any further amount he shall be clearing the same also by the same process (Demand draft).

Learned counsel for the informant submits that he is ready to sit with the petitioner and will also be returning the entire material that was/were made available to him and would further like to close the chapter.

In view of the fair submissions put forward by the respective parties, this Court is inclined to grant relief of anticipatory bail to the petitioner subject to the payment of Rs. 5 lakh through Demand Draft as stated above.

The petitioner and the informant shall sit and sort out the differences. The informant will be duty bound to return the entire material and the petitioner will be making payment of



the rest of the amount after the outcome of the meeting between them.

If the petitioner fails to fulfill the aforesaid undertaking given by him, the informant shall be at liberty to take appropriate steps in accordance with law against him for the cancellation of bail.

Let the petitioner be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Patna City, in connection with Agamkuan P.S. Case No. 308 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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