

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13910 of 2024

Arising Out of PS. Case No.-442 Year-2023 Thana- CHHATAUNI District- East Champaran

Awanish Kumar S/O Wakil Singh VILLAGE- DHRUV PAKADI, PS.-
KALYANPUR, DIST. EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-03-2024 Heard Mrs. Rashmi Jha, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Chhatauni P.S. Case No. 442 of 2023 instituted under Sections 406, 420, 409, 34 of the Indian Penal Code lodged on 13.9.2023 by the informant, Niraj Kumar.

3. As per the prosecution story, the informant alleged that after executing a sale-deed, he had Rs. 40,50,000/- with him, wanted to deposit it in some Bank, contacted one Abhisekh Kumar who asked him to go to this petitioner. The petitioner, thereafter, demanded Rs. 25,000/- as facilitation fee for which Rs. 18,000/- was paid through Pay-Phone. However, no effort was taken by him as the informant went to the Axis Bank, Motihari but as it was 5:00 PM, the same could not be



deposited. He came out and talked to Abhisekh Kumar who made him talk to Dhiraj Kumar who in turn, he demanded Rs. 1,50,000/- for providing him security. He was later forced to ride a motorcycle but to his fortune, the police intercepted them whereafter, the accused fled away. He had strong suspicion that this was done by Abhisekh Kumar, Awanish Kumar (the petitioner herein) and others. Accordingly, the FIR.

4. Learned counsel for the petitioner submits it was only due to confusion, this FIR has been lodged. As a facilitation fee, he had taken Rs. 18,000/- but since there was delay in reaching the Bank, to ensure that he safely reaches home along with the money, he asked his associates to take him home. However, he was under suspicion that they planned to loot and accordingly, the FIR.

5. His further submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to return Rs. 18,000/- 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.

6. Learned APP opposes the prayer stating that they wanted to grab the money which the informant had.



7. Considering the submission put forward by the parties as also the fact that FIR has been lodged, the petitioner do not have criminal antecedent, he is ready to pay Rs. 18,000/-, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 18,000/- as undertaken by the learned counsel for the petitioner(s) to be paid by Demand Draft of local SBI and to be submitted to the trial Court which in turn shall be handed over to the informant after checking credentials.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Chhatauni P.S. Case No. 442 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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