

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20195 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- BAGENGOLA District- Buxar

1. Deepak Kumar Singh @ Bitu Balwant @ Deepak Singh S/o Late Vishwanath Singh R/o Pokhara, P.s. - Bagen Gola, Distt. - Buxar
2. Pratap Kumar Singh @ Pappu Yadav S/o Rajendra Yadav @ Rajendra R/o Pokhara, P.s. - Bagen Gola, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Mohit Shriwastava, Advocate
For the State	:	Ms. Madhuri Lata, A.P.P.
For the Informant	:	Mr. Rajeev Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 01-07-2024 Heard learned counsel for the petitioners, informant and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 406, 420 of the Indian Penal Code.

3. Prosecution case, in short, is that informant gave Rs. 18,800/- to petitioner No. 1 as loan and on 07.04.2023 around 9 PM, petitioner No. 1 transferred Rs. 9,12,799/- in the account of the informant. Next day, these petitioners reached the house of the informant and asked him to return the excess amount and then the informant gave them cheque of Rs. 8,94,000/- after deducting him money. After two months the



informant came to know that his account was freezed and subsequently the instant case was lodged against the petitioners.

4. Learned counsel for the petitioners submits that the alleged occurrence took place on 31.10.2023 but F.I.R. was lodged on 14.01.2024 i.e. after gap of 2 months 14 days and there is no plausible explanation for the same. As a matter of fact, petitioner No. 1 is proprietor of Maa Bhawani Enterprises with valid GST who supplied construction raw material to the informant who is a contractor, for which he gave cheque of Rs. 8,94,000/- bearing cheque No. 637177 in the name of petitioner No. 1 which was drawn by him and thereafter, this false and concocted case has been lodged. So far petitioner No. 2 is concerned, he has got no concern with the alleged transaction and there is no allegation against him. Petitioner no. 2 has been made accused in this case merely because he happens to be cousin brother of petitioner No. 1. Petitioners claim clean antecedent.

5. Learned counsel for the informant vehemently opposed the bail application.

6. Considering the nature of accusation, **prayer for anticipatory bail of petitioner No. 1 is refused.** However, the **anticipatory bail with regard to petitioner No. 2 is allowed**



and it is ordered that the above named petitioner No. 2 in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in connection with Buxar Bagen Gola P. S. Case No. 02 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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