

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.17083 of 2024

Arising Out of PS. Case No.-278 Year-2021 Thana- BUXAR District- Buxar

Amarnath Kumar son of Sri Upendra Sharma Village- Gopalpur Ps- Rani
Talab Dist- Patna Petitioner

Versus

1. The State of Bihar
2. Gauri Shankar Tiwary son of Late Janardan Tiwary Mohalla- Civil Lines,
Club Road Buxar Ps- Buxar Town Dist- Buxar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate
For the Opposite Party/s : Mr.Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-09-2024 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. The petitioner apprehends arrest in a case registered
for the offence punishable under sections 406/420 of the Indian
Penal Code.

3. As per the prosecution case, co-accused Praveen
Kumar and Amar Nath Kumar are directors of a company, in the
name and style as Sankalp Srijan Producer Company @ Sankalp
Infrastructure Company Ltd. It is further alleged that the
informant had deposited Rs. 10 lakh in the said company but in
spite of maturity of deposited amount, accused persons are not
returning the said amount. It is further alleged that the named
accused persons have misappropriated his money. It is alleged
that cheque no. 00072 dt. 15.07.2021 was also issued which got



bounced due to insufficient fund.

4. It is submitted by learned counsel for the petitioner submits that as a matter of fact cheque in question was issued by one of the Directors of the Company, namely, Praveen Kumar and by way of filing supplementary affidavit it is submitted that in Cr.Mis.No. 43642/2022, co-accused Praveen Kumar has undertaken to pay the liability of the company after liquidation of the same, which may take some time. Said co-accused is ready to make the entire payment in twenty equal installments of Rs. 50,000/- after three months of his release. Now, said co-accused has been released on regular bail vide order dated 26.7.2023, passed in Cr.Mis.No. 43642/2022. Petitioner claims clean antecedent.

5. Learned counsel for the State and opposite party no.2 do not dispute this fact.

6. Considering the aforesaid development, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, 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 Sub Divisional Judicial Magistrate, Buxar in Buxar Police Station Case No. 278 of 2021, subject to



the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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