

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20267 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- PALIGANJ District- Patna

Vivek Kumar S/o Jay Kumar @ Jay Kumar Sav R/o vill and P.O. - Banauli
Khurd, P.s. - Khirimore, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shadwal Harsh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-04-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Paliganj P.S. Case No. 316 of 2023 for the offence registered under sections 420 and 34 of the Indian Penal Code lodged on 11.06.2023 by the informant, Prayag Kumar.

3. As per the prosecution story, the informant, Prayag Kumar has alleged that Jay Kumar along with his son (this petitioner) had taken Rs. 80,000/- loan but did not return and as such, he had intention to cheat. When he asked for money, they threatened of dire consequences. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that due to confusion, the case has been lodged, he always wanted to return the amount and a document has been provided showing



that on 7th of March, 2024, Rs. 80,000/- has been paid to Prayag Kumar through Paytm.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Considering the fact that the FIR is lodged, the petitioner shall be facing the trial, for the payment in view of the fact that Rs. 80,000/- has been returned to the informant, this Court is inclined to extend him privilege of anticipatory bail.

7. This order will be subject to verification by the concerned Court whether the transaction that has been shown by the learned Counsel for the petitioner regarding payment of Rs. 80,000/- through Paytm is correct or not. In case, the same is found to be false, the order shall become infructuous.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Danapur, Patna in connection with Paliganj P.S. Case No. 316 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his *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 appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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;

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

(Rajiv Roy, J)

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