

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19903 of 2024

Arising Out of PS. Case No.-539 Year-2023 Thana- RAXAUL District- East Champaran

1. DINESH PRASAD SON OF NAGENDRA PRASAD R/O-BANK ROAD,
P.S.-RAXAUL, DISTT.-EAST CHAMPARAN
2. HARSH KUMAR SON OF DINESH PRASAD R/O-BANK ROAD, P.S.-
RAXAUL, DISTT.-EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 5 13-09-2024 1. Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.
2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 457, 380,
420, 120(B), 467 and 468 of the Indian Penal Code.
3. The petitioners and the informant, in compliance of
the order dated 11.09.2024, are present in the Court.
4. The informant alleges that he is a retired
government servant and had undergone a bypass surgery of the
heart and in connection with the same, he has to go to Medanta
Hospital, New Delhi every year for check-up. The informant
further alleges that he has an account in the ICICI Bank at



Raxaul and on 29.11.2023, he had gone to the bank for withdrawing some amount when he came to know that an amount of Rs.17,50,000/- was transferred from his account in the account of Harsh Kumar (petitioner no. 2) who is son of his elder son Dinesh Prasad (petitioner no. 1). The informant next alleges that for the last 5-6 days, he was staying with his elder son Dinesh Prasad and informant used to keep signed cheque without filling the amount for emergency purposes, thus, alleges that his son Dinesh Prasad in connivance with his grandson Harsh Kumar withdrew an amount of Rs.17,50,000/- from the account of the informant after filling the signed cheque.

5. Learned counsel appearing on behalf of the petitioners submits that it absolutely does not stand to reason that as to why Harsh Kumar (petitioner no. 2) would have transferred an amount of Rs.17,50,000/- in his account from the account of his grandfather (informant) when he was not authorized by the grandfather for the same. It is further submitted that it absolutely does not stand to reason that a prudent person would indulge in an act where he creates evidence against himself for getting implicated. It is next submitted that the instant FIR has been instituted at the behest of the own younger brother of Dinesh Prasad with whom the



informant presently is staying and there is a family dispute between the brothers with respect to the joint family property. It is also submitted that during the course of investigation, the statement of the daughter of the informant, namely, Sangeeta Devi was recorded wherein she had stated that her father in her presence had given the cheque to Harsh Kumar.

6. The informant submits that the cheque was encashed without his consent when petitioners submit that the cheque was handed over to Harsh Kumar by the informant after signing the cheque leaf on the backside even. The petitioner no. 1 Dinesh Prasad submits that since now his father is resiling from the fact that he had given the cheque to his grandson as such he is ready to return the amount of Rs.17,50,000/- but then he will require some time. It is further submitted that the entire amount of Rs.17,50,000/- shall be repaid to the informant within a period of nine months from today i.e. on or before 20.06.2025.

7. Learned counsel appearing on behalf of the informant does not oppose the prayer for anticipatory bail of the petitioners as the petitioner no. 1 has undertaken to refund the entire amount of Rs.17,50,000/- to the informant.

8. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in



the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Raxaul P.S. Case No. 539 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. However, it is made clear that if the amount as agreed is not returned to the informant on or before 20.06.2025, the informant shall be at liberty to file an application before this Court seeking cancellation of the anticipatory bail granted to the petitioners.

(Satyavrat Verma, J)

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