

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21599 of 2024

Arising Out of PS. Case No.-57 Year-2020 Thana- MITHANPURA District- Muzaffarpur

Hariom Kumar @ Hariom Tyagi @ Hariom Kumar Tyagi S/O Yugal Kishore
Bhagat @ Vikku Bhagat @ Yugal Bhagat Resident Of Village-Mohuddin
Nagar, Ps- Mohuddinagar Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Amit Kumar son of Ajit Kumar Singh Village Ps- Mohuddin Nagar Dist-
Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP
For the informant	:	Mr. Deepak Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-07-2024 Heard Mr. Manoj Kumar, learned counsel appearing
on behalf of the petitioner; Mr. Shantanu Kumar, learned APP
for the State and Mr. Deepak Kumar Singh, learned counsel for
the informant.

2. The petitioner seeks pre-arrest bail in connection
with Mithanpura P.S. Case No. 57 of 2020 registered for the
offence(s) punishable under Sections 420, 406/34 of the Indian
Penal Code.

3. As per the allegation made in the FIR, petitioner
took an advance of Rs.5,50,000/- from the informant and had
not returned the said amount.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner has returned the entire amount of Rs.5,50,000/- and only there is dispute relating to the interest accrued on the said amount. The petitioner after negotiation has also given Rs.24,000/- by two cheques but the same due to insufficient fund got dishonored. The petitioner, however, is ready to pay the interest in accordance with law.

5. Mr. Deepak Kumar Singh, learned counsel, has tendered his appearance on behalf of the informant and submitted that the petitioner has not even given the principal amount of Rs.5,50,000/-, which was transacted in his account from the Bank account of the informant. Petitioner has not brought on record even a chit of paper showing that he had returned the amount through any instrument or cash. So far as amount of cheque is concerned, the petitioner has himself admitted that even the cheque for Rs.24,000/- has not been credited into the account of the informant due to insufficient fund in the account of the petitioner. Petitioner has admittedly committed fraud with the informant and, as such, petitioner don't deserve to be released on pre-arrest bail.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on



behalf of the parties, as well as, the fact that petitioner has not been able to bring on record the evidence in respect of returning a sum of Rs.5,50,000/- into the bank account of informant, nor any acknowledgment of the same has been brought on record and at the same time, the record reveals that transaction relating to Rs.5,50,000/- has been transferred into the account of the petitioner from the informant account and admittedly the petitioner has admitted that even his cheque for an amount of Rs.24,000/- got dishonoured due to insufficient fund. The petitioner has fraudulently cheated the informant for total amount of Rs.5,50,000/-payable to him, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, the present bail application stands dismissed.

(Purnendu Singh, J)

Sanjay/-

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