

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25158 of 2024

Arising Out of PS. Case No.-15212 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Vinod Yadav @ Vinod Prasad son of Sri Hari prasad Yadav Village- Pokhar
Bhinda Po- Narwal Barwal Ps- Patkhauri Bagaha Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Kumar son of Sri Shankar Yadav R/S- B 102 OM Nirdam Apartment R
K Avenue Road Rajendra Nagar PS-Kadamkuan District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP
Mr.Rahul Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-09-2024 Heard learned counsel for the petitioner, learned counsel
for the complainant and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable under section 406, 420 of the IPC and
section 138 of Negotiable Instruments Act.

3. As per the prosecution case, the petitioner convinced the
complainant to purchase the land of his friend in Rs.10 Lacs, for
which, the said amount could be deposited in his account and
the petitioner would make the land registered in the name of
complainant. Thereafter, the complainant deposited
Rs.10,22,000/- in the account of petitioner through UPI and
RTGS but the land was not registered in the name of



complainant. When the complainant pressurized the petitioner to register the land, the petitioner demanded Rs.10 Lacs more by saying that the price of the land has increased, for which, the complainant asked to return his Rs.10 Lacs. The petitioner gave three cheques to the complainant, out of which, two cheques got dishonored due to insufficient funds and only one cheque of Rs.3 Lacs got cleared. In this way, the petitioner has still kept Rs.7,22,000/- of the complainant.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. It is submitted that assuming the case of complainant to be true, the matter is a civil dispute between the parties. However, petitioner is ready to return the said amount of Rs.7,22,000/- to the complainant within a period of one year.

5. Learned counsel for the complainant has no objection.

6. Having regard to the facts and circumstances of the case, since the petitioner is ready to return the aforesaid amount to the complainant in a year, let the above named petitioner, be released on **provisional bail** for a period of One year from today, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Complaint Case No.1521C/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The provisional bail of the petitioner shall be confirmed by the learned court below itself after ascertaining that the petitioner has returned the full amount of Rs.7,22,000/- to the complainant within the stipulated period.

8. Complainant is directed to withdraw the complaint case filed against the petitioner, after receiving the aforesaid amount.

(Anjani Kumar Sharan, J)

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