

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.28404 of 2024

Arising Out of PS. Case No.-2046 Year-2017 Thana- PATNA COMPLAINT CASE District- Patna

DHIRENDRA KUMAR S/O SRI KARU PRASAD SINGH R/O MOHALLA- ANANDPURI, HOUSE NO. 141, WEST BORING CANAL ROAD, P.S- SRI KRISHNAPURI, TOWN AND DISTT.- PATNA.

... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR
- 2. M/S S.P.S. INFRA. CONS. (P) LTD. THROUGH ITS DIRECTOR, SURENDRA PRASAD SINGH, R/O 101, KALYANI COMPLEX, EXHIBITION ROAD, P.S- GANDHI MAIDAN, TOWN AND DISTT.- PATNA.

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dineshwar Prasad Singh  
For the State : Mr.Yogendra Kumar Singh  
For Opposite Party No. 2: Mr. Ritesh Kumar  
Ms. Shipra Singh  
Ms. Rounak Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA  
ORAL ORDER

- 3 18-09-2024
  - 1. Heard learned Counsel for the petitioner, learned Counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.
  - 2. The petitioner apprehends his arrest in connection with Complaint Case No. 2046 (C) of 2017, in which cognizance has been taken for the offences punishable under Section 420 of the Indian Penal Code and Section 138 of the negotiable Instrument Act.
  - 3. The allegation against the petitioner, as per the complaint



petition, is that the petitioner purchased a flat from Opposite Party No. 2 for the total consideration amount of Rs. 30,51,000/-. The petitioner paid the entire consideration amount through the DD/pay order and cheques, but one of the cheques of Rs. 3,00,000/- was dishonoured due to 'exceeding arrangement'.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. He further submits that without prejudice to the right and contention of the petitioner, he is ready to pay a sum of Rs. 3,00,000/-, in three months, to the Opposite Party No. 2.
5. After having heard learned Counsel for the parties and taking into consideration the materials on record and the undertaking given by learned Counsel for the petitioner, I am inclined to grant provisional bail to the petitioner.
6. Accordingly, the petitioner is directed to pay a sum of Rs. 3,00,000/- in three months in favour of the Opposite Party No. 2.
7. Let the petitioner, above named, in the event of his arrest/surrender before the learned Court below within a



period of four weeks from today, be released on provisional bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3<sup>rd</sup> Additional Chief Judicial Magistrate, Patna, in connection with Complaint Case No. 2046 of 2017.

8. This is subject to the condition that the petitioner shall pay a sum of Rs. 1,00,000/- by way of demand draft or R.T.G.S. in favour of Opposite Party No. 2 and shall produce the receipt showing payment of Rs. 1,00,000/- in favour of Opposite Party No. 2 at the time of furnishing his bail bond and shall pay three equal monthly instalments of Rs. 66,667/- each by 10<sup>th</sup> day of every month, starting from November, 2024.
9. It is made clear that the learned Court below will confirm the provisional bail to the petitioner if all the instalments, as stated above, are paid to the Opposite Party No. 2.
10. It is further made clear that if the petitioner fails to pay any of the instalments within the time granted by this Court, his provisional bail bond shall liable to be cancelled.
11. This application is disposed with the aforesaid



observation and direction.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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