

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28319 of 2024

Arising Out of PS. Case No.-460 Year-2023 Thana- BIHTA District- Patna

Jitendra Singh, Gender- Male, aged about 53 years, son of late Satyadeo Singh, R/o village- Bishunpura, P.S.- Bihta, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Majid Mahboob Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State as well as learned counsel for the informant, who has appeared *suo motu*.

2. The petitioner apprehends arrest in connection with Bihta PS Case No.460 of 2023 dated 12.05.2023, instituted under Sections 419, 420, 406, 323, 504, 506 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

3. The prosecution case, in short, is that the petitioner and the informant are the co-villagers. The petitioner is involved in the business of sale and purchase of lands. It is alleged that in the year 2021, the informant gave rupees three lakhs to the petitioners on different dates and the petitioner assured him of returning the money after some period. Later on, when the



informant demanded his money back, the petitioner gave him two cheques of rupees one lakh each issued from Allahabad Bank, but the same was returned by the bank for the reason that Allahabad Bank has been merged into Indian Bank and the old cheques of the Allahabad Bank have not been validated. Thereafter, the informant approached the petitioner upon which the petitioner assured him of giving valid cheque but he neither returned the amount nor gave valid cheque for encashment.

4. Learned counsel for the petitioner submits that the petitioner is ready to return the amount of rupees two lakhs to the informant in installments.

5. Learned counsel for the informant is also ready to accept the same. Learned APP submits that since the petitioner is ready to refund the amount, the Court may pass appropriate order.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on provisional bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1, Danapur,



Patna, in Bihta PS Case No.460 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioner shall return the amount of rupees two lakhs in six equal monthly installments through Demand Draft in favour of the informant. The first installment shall be paid through Demand Draft at the time of furnishing bail bonds and thereafter the rest installments shall be paid by 10th of every successive months through Demand Draft. The Demand Draft(s) to be deposited by the petitioner shall be handed over to the informant upon due verification. Upon payment of entire amount i.e., rupees two lakhs, provisional bail of the petitioner shall be confirmed by the Court below itself.

8. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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