

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31419 of 2024

Arising Out of PS. Case No.-1240 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Chandan Kumar Gop Son of Late Sudarshan Rai (Partner Rajdhani Properties and Developers), Resident of Digha Ghat, Patipul, P.S.- Digha, District - Patna, Bihar.
 2. Ajay Kumar Son of Gujlari Chaudhary (Partner Rajdhani Properties and Developers), Resident of Bhatta Road New Colony, Panchvati Nagar, P.S.- Danapur, District - Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Arvind Kumar Son of Jagdish Prasad Yadav Resident of Mohalla - Gosai Tola, P.S.- Patliputra, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-08-2024 This anticipatory bail petition already stood dismissed against petitioner no. 1 Chandan Kumar Gop, vide order dated 12.06.2024 passed by a coordinate Bench of this Court.

2. Sole petitioner namely Ajay Kumar apprehends his arrest in a complaint case punishable for the offence under Sections 406, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

3. It is alleged that complainant/opposite party no. 2 paid Rs. 50,01,000/- (Fifty lacs one thousand) to the petitioner



and co-accused Chandan Kumar Gop for purchase of land, however when, complainant came to know that the land in question was not for sale, he demanded his money, then petitioner gave two cheques amounting to Rs. 25 lacs and 21 lacs (total Rs. 46 lacs) to the complainant, but when complainant/opposite party no.2 deposited aforesaid two cheques in bank, they got bounced.

4. Learned counsel fairly submits that petitioner (Ajay Kumar) is ready to refund the cheque amount i.e. Rs. 46 lacs to the complainant / opposite party no. 2. By way of filing supplementary affidavit, learned counsel for the petitioner submits that petitioner has already refunded Rs. 5 lacs on 25.08.2023 through RTGS to the complainant, as 1st installment (Annexure 1 to the supplementary affidavit) and thereafter, 2nd installment of Rs. 15,00,000/- (Fifteen lacs) was also returned through Bank Draft, vide D.D.No. 003513 dated 15.05.2024 to the complainant (Annexure 2 to the supplementary affidavit). With respect to rest amount i.e. Rs. 26,00,000/- (twenty six lacs), petitioner is ready to refund the same in easy installments.

5. In view of aforesaid facts and circumstances, the anticipatory bail petition of petitioner is allowed.

6. Let the petitioner namely Ajay Kumar, in the event



of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Danapur, Patna in connection with Complaint Case No. 1240 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) *At the time of furnishing bail-bond*, the petitioner shall refund **Rs. 10,00,000/-** (ten lacs) to complainant/opposite party no. 2 by way of demand draft and receipt of same shall be furnished with the bail-bond.

(B) *Rest amount* i.e. **Rs. 16,00,000/-** (sixteen lacs) shall be refunded to the complainant / opposite party no. 2 *in four equal installments* of Rs. 4,00,000/- (four lacs) within a period of *twelve months* from the date of furnishing bail-bond.

(C) If petitioner fails to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bond of the petitioner.”

(Prabhat Kumar Singh, J)

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