

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32480 of 2024

Arising Out of PS. Case No.-1276 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Vikash Satyam, aged about 32 years, Male, Son of Viranti Prasad, Resident of Village- Dumra, Ward No. 09, P.O.- Jaitiya, P.S.- Chanpatia, District - West Champaran. Present residing at Village- Banuchhapar, P.S.- Banuchhapar O.P., Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shila Devi, aged about 38 years, Female, Wife Of Gopal Rai, Resident Of Village- Dumra, Ward No. 09, P.O.- Jaitiya, P.S.- Chanpatia, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Complainant	:	Mr. Bimlesh Kumar Pandey, Advocate
		Mr. Vikash Kumar Shukla, Advocate
For the State	:	Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-09-2024 Heard Mr. Sanjeev Kumar, learned counsel appearing on behalf of the petitioner; Mr. Vikash Kumar Shukla, learned counsel appearing on behalf of the complainant and Mr. Binod Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 1276 of 2022, registered for the offence punishable under Section 420 of the Indian Penal Code.

3. As per the allegation made in the complaint, the petitioner had committed fraud with the complainant by withdrawing a sum of Rs. 3,42,297/- from the account of the



complainant. The said allegation is also substantiated from the fact that the petitioner had accepted to return the said amount and had issued a cheque to the complainant worth Rs. 1,50,000/-, which got dishonoured due to insufficient fund.

4. Learned counsel appearing on behalf of the petitioner, without going into the merits of the case, submitted that the petitioner has given instruction that petitioner will return Rs. 3,42,297/- to the complainant within a period of thirty days.

5. Mr. Vikash Kumar Shukla, learned counsel appearing on behalf of the complainant also finds no point in litigating with the petitioner, in case, the petitioner do honour his commitment made before the Court and before learned counsel appearing on behalf of the complainant.

6. Considering the desire of both the parties that they will resolve their dispute, in respect of the fraudulent withdrawal of Rs. 3,42,297/- which, the petitioner has agreed to return the same to the complainant within a period of thirty days along with bank interest, I don't find it proper to enter into the merits of the case.

7. The petitioner, if so advised, may file his receipt/acknowledgment before the learned District Court in



respect of the payment of sum of Rs. 3,42,297/- along with bank interest to the complainant and surrender before the learned District Court to seek regular bail.

8. Learned District Court is directed to consider the regular bail application of the petitioner in light of the law laid down by the Apex Court in case of *Bimla Tiwari vs. State of Bihar & Ors. passed in SLP (Crl.) Nos. 834-835 of 2023*, same day the petitioner files his application along with the receipt.

9. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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