

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32464 of 2024

Arising Out of PS. Case No.-589 Year-2020 Thana- SARAN COMPLAINT CASE District-
Saran

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Firoz Alam @ Md. Firoz Alam, aged about 56 years, Male, Son of Late Rahman Mian, Resident of Village - Guddri Bazar, Takkar Mor, P.S - Bhagwan Bazar, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyam Narayan Rai Late Vishwanath Rai R/O Mohallah - Daulatganj, Nilami Kothi, Chapra, P.O- Chapra, P.S -Bhagwan Bazar, District - Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-09-2024 Heard Mr. Ayush Kumar, learned counsel appearing on behalf of the petitioner and Mr. Tapeswar Sharma, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 589 of 2020, registered for the offence punishable under Sections 323, 406 and 420 of the Indian Penal Code.

3. As per the allegation made in the complaint, petitioner has fraudulently deceived a sum of Rs. 2,90,000/- payable to the complainant.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has borrowed a sum of



rupees one lac from the complainant and he had returned the same amount to the complainant. Allegation of demand of Rs. 2,90,000/- from the complainant for treatment is not substantiated by any document or instrument. Learned counsel further submitted that the complainant has admitted that the petitioner is acquainted with him and on frivolous allegation, he has been roped in a criminal case. Petitioner is ready to negotiate with the complainant. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that parties have also admitted their acquaintance with each other. Petitioner has also admitted before the learned District Court that he had borrowed a sum of rupees one lac from the complainant and they have entered into some sort of agreement but the petitioner has not been able to bring on record before this Court such instrument, however, he has made specific denial in respect of allegation made in the complaint against him. Petitioner has shown his desire to negotiate with the complainant. The dispute being purely civil in nature, the parties have shown their willingness



to negotiate. The petitioner must honour his word and undertaking. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1, Saran, in connection with Complaint Case No. 589 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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