

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42545 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Amarnath Kumar, aged about 30 years, male, son of Late Vishwanath Sahani,
Resident of Village- Sahwajpur, P.S.- Ahiyapur, Dist.- Muzaffarpur.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibha Kumari, aged about 45 years, female, wife of Awadhesh Kumar, R/O
Village- Kodarkatta, P.S.- Barji, P.S.- Motipur, Dist.- Muzaffarpur
... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the State : Mr. Shailendra Kumar, APP
For the OP No.2 : Mr. Gyan Prakash, Advocate
Ms. Parul Priya, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner; learned

Additional Public Prosecutor for the State and learned counsel

for the informant, who has appeared *suo motu*.

2. The petitioner apprehends arrest in connection with

Ahiyapur PS Case No.162 of 2024 dated 03.02.2024, instituted

under Sections 420, 406, 467, 468, 471, 336, 504, 506 of the

Indian Penal Code.

3. The prosecution case, in short, is that the informant

is the partner of M/s Mahadeo Enterprises and her co-partner is

the petitioner, who runs a business of dealership of E-Rickshaw

at Purani Zero Mile Chowk. It is alleged that the petitioner took

her signature on plain cheque of partnership firm of M/s



Mahadeo Enterprises of SBI Bank, SKMCH Branch, Muzaffarpur, and password of internet banking by taking her into confidence. He cheated the informant and without her knowledge took loan of Rs.15 lakh from a private financier MINTIFI FINSERVE Pvt. Ltd on her duplicate signature and dishonestly misappropriated the profits of the firm amounting to Rs.32,32,462/- as well as her capital share. When the informant asked for details of income and expenditure, he threatened her and pushed her away from the shop.

4. After some arguments, learned counsel for the petitioner submits that the petitioner is ready to pay Rs.10 lakh to the informant without being prejudiced to his case in the trial Court.

5. Learned counsel for the opposite party no. 2 submits that the opposite party no. 2 is ready to accept the proposal of the petitioner for the present and the trial of the case may proceed in the trial Court.

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 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 Chief Judicial Magistrate, Muzaffarpur, in Ahiyapur PS Case No.162 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and that the petitioner will pay Rs.10 lakh to the informant through Demand Draft on the date of his surrender before the Court below. The Court below shall ensure that the petitioner deposits Demand Draft of Rs.10 Lakh in the Court below before accepting his bail bonds.

7. The aforesaid payment of Rs.10 lakh by the petitioner in favour of the informant shall not prejudice the case of the either party.

8. Upon deposit of the Demand Draft by the petitioner in favour of the informant, the same shall be handed over to the informant upon due verification.

9. If the petitioner fails to deposit the Demand Draft of Rs.10 lakh at the time of his surrender, this bail order shall not be given effect.

10. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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