

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58393 of 2024

Arising Out of PS. Case No.-753 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Pradeep Sah @ Pradeep Kumar Son of Shri Govind Sah R/O Vill.- Saidpur,
P.S.- Dighwara, Dist.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Birendra Kumar Gupta Son of Late Badelal Sah R/O Vill.- Piprakothi, P.S.-
Valmiki Nagar, Dist.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar, Advocate
For the O.P. no. 2	:	Mr. Vijay Kr. Singh No. II, Advocate
For the State/s	:	Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 753 of 2022 dated 22.08.2022, instituted
for the offence punishable under Sections 406, 504, 506 of the
Indian Penal Code.

3. The prosecution case, in short, is that the
complainant supplied cattle feed worth Rs. 4,19,040/- to
petitioner as he had good term with him. Petitioner did not pay



the alleged amount to complainant as per time limit as assured by him to the complainant. Petitioner paid Rs. 2,49,040/- to the complainant after great effort but did not pay the rest amount. On 14.08.2022, the petitioner abused the complainant and refused to pay the dues amount of Rs. 1,70,000/- to him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is accepted by the petitioner that the complainant had supplied the cattle feed worth Rs. 4,19,040/- but he vehemently submitted that Rs. 2,49,040/- has already been paid to the complainant, to which the complainant agreed. It is further submitted on behalf of the petitioner that out of the rest amount of Rs. 1,70,000/-, Rs. 50,000/- has been paid cash to the complainant and rest Rs. 1,20,000/- has been transferred via A.T.M. in the bank account of the complainant. The A.T.M. receipts have been annexed and marked as Annexure P-2 series. The said transfer of Rs. 1,20,000/- has been made in installments on 18.01.2022, 30.03.2022, 20.04.2022, 07.03.2022. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. and learned counsel for the informant vehemently opposed the prayer for bail of the



petitioner and submitted that no money in cash has been given by the petitioner to the complainant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No. 753 of 2022, he/they shall 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 Sub-Divisional Judicial Magistrate, Bagaha, West Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C. and further subject to payment of Rs. 50,000/- in two equal installments.

7. The petitioner shall deposit Rs. 25,000/- through Demand Draft in favour of the complainant at the time of furnishing bail bonds and the rest amount i.e., Rs.25,000/- shall be paid through Demand Draft in favour of the complainant after one month from the date of first payment. The Court below upon getting the Demand Drafts from the petitioner in favour of the petitioner shall hand over the same to the complainant on proper verification. Upon deposit of entire money i.e., Rs.50,000/-, the Court below shall confirm the provisional bail



of the petitioner.

8. The application stands allowed.

(Khatim Reza, J)

sankalp/-

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