

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70066 of 2023

Arising Out of PS. Case No.-681 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Ghanshyam Giri, S/O Late Gopal Giri, Village- Garhsisai, Ps. Vidyapati
Nagar, Dist. Samastipur

... .. Petitioner

Versus

1. The State of Bihar
2. Pramod kumar singh @ Mohan singh Son of Late sAhdev narayan singh
Resident of Village - Azadnagar, P.S. Muffasil, Dist. samastipur.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramhansh Kumar Puri, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with C.R. No. 681 of 2022 registered for the offences punishable under Sections 406, 417, 418 and 420 of the Indian Penal Code. He has one criminal antecedent, in which he is on bail as stated in paragraph '3' of the application.

3. Allegation against the petitioner is to cheat the complainant/opposite party no. 2 for total cash of Rs. 4,00,000/- as the same was not returned to the complainant, where Rs. 3,00,000/- was paid in cash and Rs. 1,00,000/- was paid through cheque to the petitioner.



4. It is submitted by learned counsel appearing on behalf of the petitioner that allegation is apparently false and due to business rivalry, the petitioner was implicated falsely with the present case. It is submitted that cash of Rs. 3,00,000/- was never received by the petitioner, whereas cash, as received through cheque, was immediately handed-over to son of the complainant/opposite party no.2 in bank itself, but fairly conceded that he has no any documentary evidence as receipt in support of payment which he made to son of the complainant. However, it is submitted that petitioner is ready to pay Rs. 1,00,000/- to complainant/opposite party no.2 for the present, subject to the outcome of the case as a matter of good gesture.

5. Learned A.P.P. for the State duly assisted by learned counsel for the complainant/opposite party no.2 have opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact that petitioner is ready to pay Rs. 1,00,000/- to complainant/opposite party no. 2, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of six weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the



satisfaction of learned A.C.J.M. - II, Samastipur, in connection with C.R. No. 681 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and further condition that:

(I) The learned Trial Court shall accept bail bond only after showing the receipt of payment of Rs. 1,00,000/- to complainant/opposite party no. 2 by the petitioner.

(II) If, after conclusion of trial, the petitioner found innocent, complainant/opposite party no. 2 would return Rs. 1,00,000/- with prevailing bank interest to the petitioner for the period he retains Rs. 1,00,000/-.

(Chandra Shekhar Jha, J.)

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