

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69942 of 2024

Arising Out of PS. Case No.-1283 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Santosh Kumar Singh S/o- Sri Shyam Bahadur Singh Resident of village and
PO- Birpur Ps- Jurawanpur District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Pramesh Kumar Son of Late Nand Kishore Sharma Village- Bhelura
Rampur Po- Nagwan Ps- Naubatpur Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Nath Ojha
For the Opposite Party/s : Mr.Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-11-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Complaint Case No. 1283(C) of 2023 registered under Section
420, 406 of the I.P.C. and Section 138 of the Negotiable
Instruments Act.

3. As per the allegation made in the complaint the petitioner
is a retired Army personnel and was working as a House Guard
of the complainant between 08.04.2019 to 30.04.2023 on
monthly salary of Rs. 25,000/-. The opposite party no. 2 is a
property dealer and having proprietorship firm in the name and
style of ANS HOMES, ANS Construction and Developers. A
sum of Rs. 9,00,000/- was taken by the petitioner from the



complainant with an assurance that the said amount shall be returned and as a security, two blank cheques were given by the petitioner to the complainant. The cheques were presented by the opposite party no. 2 / complainant but the same was dishonoured.

4. Learned counsel for the petitioner at the outset submits that the petitioner had taken loan for purchase of land, however, it could not be finalized. However, without prejudice to his right and contention, the petitioner is ready to refund Rs. 9,00,000/- to the opposite party no. 2 / complainant within a period of nine months from today. Out of Rs. 9,00,000/-; Rs. 1,00,000/- shall be paid at the time of furnishing bail bond.

5. Learned counsel for the opposite party no. 2 / complainant agrees to the proposal of the petitioner.

6. Regard being had to the submission made by the parties, taking into consideration the offer made by the petitioner and accepted by the opposite party no. 2 / complainant, I am inclined to grant provisional anticipatory bail to the petitioner subject to the condition that the petitioner shall refund Rs. 9,00,000/- to the opposite party no. 2 within a period of nine months from today, out of which Rs. 1,00,000/- shall be paid by way of bank draft or bank transfer in favour of the



opposite party no. 2 on / or before furnishing bail bond.

7. Let the petitioner, above named, be released on provisional anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate -IV, Danapur, Patna in connection with Complaint Case No. 1283 (C) of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and the condition that the petitioner shall furnish acknowledgment receipt showing payment of Rs. 1,00,000/- in favour of the complainant / opposite party no. 2 at the time of furnishing bail bond.

8. After payment of Rs. 9,00,000/- within the aforesaid period, the concerned court is directed to confirm the provisional anticipatory bail of the petitioner.

9. Accordingly, the application is disposed of.

(Anil Kumar Sinha, J)

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