

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69915 of 2023

Arising Out of PS. Case No.-3508 Year-2015 Thana- PURNIA COMPLAINT CASE District-
Purnia

BIKASH CHANDRA @ BIKASH CHANDRA YADAV S/O SRI
PARMESHWAR PRASAD YADAV R/O VILLAGE- BHANGAHA, P.S-
FORBESGANJ, DISTT.- ARARIA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. SMT. PRATIMA DEVI W/O SURENDRA PRASAD YADAV R/O
MARANGA, P.O- PURNIA, P.S- K.HAT (MARANGA), DISTT.- PURNIA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A.K. Thakur Mrs. Vaishnavi Singh Mr. Purushottam Kumar Mr. Prawin Kumar
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh
For the Complainant	:	Mr. Samir Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 19-03-2024 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 403, 406, 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

3. The prosecution case is that the complainant entered into a business agreement with the petitioner. A deed of partnership was prepared and the complainant gave Rs.13,85,000/- to the petitioner. After payment, the petitioner started business in his name only, showing himself whole and



sole owner and proprietor of the firm. When the complainant objected the same, petitioner assured him to return his money which was invested by him. The petitioner handed over four cheques to the complainant but all the cheques got dishonored due to insufficient funds.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. Learned counsel for the petitioner submits that the petitioner is ready to return Rs.6,00,000/- to the complainant in six installments. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the complainant opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as the petitioner is ready to return Rs.6,00,000/- to the complainant in installments, let the above named petitioner, be released on *provisional* bail for a period of eight months, in the event of his arrest or surrender before the learned Court below within a period of six 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 the learned



court below where the case is pending/Successor Court in connection with Complaint Case No.3508 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, the *provisional* bail of the petitioner shall be confirmed by the learned Court below itself after satisfying that the petitioner has paid Rs.6,00,000/- to the complainant.

8. Accordingly, this application is disposed of.

(Anjani Kumar Sharan, J)

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