

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71437 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- JAGDISHPUR District- Bhojpur

SAURAV KUMAR SINGH Son of Uday Kumar singh VILLAGE LAVA
BANDH PS TANDWA DIST AURANGABAD

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pramod Kumar Son of Prashuram Singh R/o vill, P.O. and P.s. - Jagdishpur ward no. 1, distt. - Bhojpur at Ara

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Babu Nandan Prasad
For the State	:	Mr.Jagdhar Prasad
For the O.P. No. 2	:	Mr. Anant Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 4 | 19-03-2024 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner, learned Counsel for the Opposite Party No. 2 and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Jagdishpur Police Station Case No. 252 of 2022, dated 01.06.2022, disclosing offences punishable under Section 406 of the Indian Penal Code.3. The prosecution case, as per the First Information Report, is that the informant/Opposite Party No. 2 purchased stone chips on the assurance of the petitioner that if advance amount would be paid, the stone chips shall be delivered on a cheaper rate. According to the informant, a sum of Rs. 4,25,000/- was paid by the informant to the |
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petitioner, out of which Rs. 2,65,000/- was paid through digital payment mode (phone pay) and Rs. 1,60,000/- was paid in cash.

4. Learned Counsel for the petitioner submits that stone chips were supplied to the informant to the tune of Rs. 2,20,000/-, which would be evident from the receipt showing the vehicle number, through which stone chips were supplied to the informant, annexed at Annexure P/2 series. He denied the allegation that the petitioner did not supply the stone chips to the informant. He further submits that the petitioner is ready to pay the balance amount of Rs. 45,000/- to the informant.
5. On the other hand, learned Counsel for the Opposite Party No. 2 opposed the prayer for anticipatory bail and submits that the computerized receipts produced by the petitioner, at Annexure P/2 series, are not having the receiving of the informant and the same is a fake document.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of the allegation and the fact that the petitioner is relying upon Annexure P/2 series, which are the receipts issued in the name of the informant for supply of stone chips and the



petitioner is ready to refund the balance amount of Rs. 45,000/- to the informant, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Arar, in connection with Jagdishpur Police Station Case No. 252 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.
9. This is subject to the condition that the petitioner shall prepare a bank draft of Rs. 45,000/- in favour of the informant/ Opposite Party No. 2 and submit the same before the learned District Court at the time of furnishing his bail bonds and the learned District Court shall hand over the said bank draft to the informant.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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