

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72193 of 2023

Arising Out of PS. Case No.-306 Year-2023 Thana- BARH District- Patna

MUNCHUN KUMAR GUPTA SON OF LATE DR. RAJENDRA PRASAD
GUPTA R/O MOHALLA- DAYACHAK NEW TOLA, WARD NO. 25, P.S.-
BARH, DIST.- PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR PATNA
2. SANTOSH KUMAR SON OF RAMCHANDRA PRASAD RESIDENT OF
VILLAGE- DAYACHAK WARD NO. 26, POST- R.S. BARH, PS- BARH,
DIST- PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Kashyap
For the Opposite Party/s	:	Mr.Ram Naresh Ray
For the Informant	:	Mr.Suraj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 16-04-2024 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 406, 420, 506 and 34 of the IPC.

3. As per the prosecution case, on the request of the named
accused persons, the informant gave Rs.Three Lac to the
petitioner's side for treatment of their father and a written paper
was made to return the money but no money has been returned
to the informant.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case due to grudge. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the petitioner has already returned Rs.Two Lakhs to the informant and now he is ready to return the rest Rs.One Lac to the informant within a period of eight weeks. Petitioner has no criminal antecedent.

5. Learned counsel for the O.P. No.2 submits that informant has not received any such amount of Rs.Two Lakhs from the petitioner and till date Rs. Three Lakhs remains to be paid by the petitioner's side to the informant. A counter-affidavit has been filed on behalf of the informant, in which, the agreement with regard to payment of Rs.Three Lakhs by the informant to the petitioner, is enclosed. However, learned counsel for the O.P. No.2 has no objection, at this stage, if the petitioner returns Rs.One Lakh to the informant.

6. Having regard to the facts and circumstances of the case, since it is a civil/money dispute between the parties and petitioner is ready to return Rs.One Lac to the informant, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of eight 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 Barh P.S. Case No.306 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to accept the bail bonds of the petitioner after verifying that he has returned Rs.One Lac to the informant.

8. For return of the rest amount, it is open to the informant to file money suit or other legal remedy.

(Anjani Kumar Sharan, J)

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