

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74739 of 2024

Arising Out of PS. Case No.-13035 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Alfahad Khan Son of Amir Khan Resident of Pathan Toli, Nasriganj, Pin
Code 800018, P.S.- Danapur, District- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nakeib Ahmad Kidhwai Son of Late Naki Ahmad Kidwai Resident of Shah
Reshidullah Compund, Birla Mandir Road, P.S.- Pirbahore, Distt.- Patna,
Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Danish Sami, Advocate Mr. Saket Anand, Advocate Ms. Chhaya Kirti, Advocate Mr. Alok Kumar, Advocate
For the Opposite Party/s :		Ms. Nirmala Kumari, APP
For the Informant	:	Mr. Shadab Akhter, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 12-11-2024
1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Complaint Case no. 13035 of 2022, registered under
section 420 of Indian Penal Code.

3. As per the prosecution case, the complainant states
that an agreement was executed between the parties, according
to which the complainant gave a sum of Rs. 5 lakhs by way of
loan to the accused persons for starting a business on the
promise that they would pay 10% of the profit besides interest



etc as per the terms of the agreement entered into. It is further stated that the accused failed to return the due amount of Rs. 5 lakhs as also the profit and thus the instant case.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Referring to the contents of the complaint petition, it is submitted that the allegations therein relate to a dispute which is purely civil in nature. Cognizance has been taken only under section 420 of the Indian Penal Code. Continuance of this criminal case is an abuse of the process of the Court. The petitioner undertakes to cooperate in the case.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the complainant. Learned counsel for the complainant submits that not only the petitioner is named in the complaint but there is direct allegation against him of having cheated the complainant of the amount given by way of loan and the agreement entered into between the parties. It is not only the complainant who has been cheated but there are several cases pending against him including cases under the N.I. Act also. It is lastly submitted that there is a chance of settlement between the parties and as such the case be referred for conciliation.



6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the complaint, the allegation being violation of terms of the agreement according to which the petitioner was supposed to return certain amounts along with interest thereon on the loan which the complainant states was taken from him by the petitioner, the Court is inclined to allow the instant application. It is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no. 13035 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna Sadar, Patna.

(Partha Sarthy, J)

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