

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82247 of 2024

Arising Out of PS. Case No.-1146 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Gaurav Kashyap Son of Arun Kumar Singh @ Arun Singh Resident of
Village- Rajendra Nagar Arya Samaj Chowk, Police Station- Chhatauni,
District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Son of Sureshwar Jha Resident of Mohalla- Agarwa, P.S.-
Motihar (Town), Distt.- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Shakil Ahmad Khan, Adv.
For the Opposite Party/s :	Mr. Pramod Kumar Pandey, APP.
	Mr. Dhannjay Kumar No.2, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2024 Heard learned counsel for the petitioner, learned A.P.P. for
the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420
of the Indian Penal Code.

3. The allegation against the petitioner is that he took four
blank cheques from the complainant for securing loan with an
assurance to return the same after the sanction of the loan, but
later on he returned only three cheques to the complainant and
refused to return the remaining one. It is further alleged that the
petitioner also withdrew Rs. 1,20,000/- from the account of the



complainant through this cheque.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He has no criminal antecedent as mentioned in para-3 of this application. Learned counsel further submits that the petitioner is ready to return the aforesaid amount i.e. Rs. 1,20,000/- (Rupees One Lac Twenty Thousand) to the complainant within six months.

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

6. Having regard to the facts and circumstances of the case, since petitioner is ready to return the aforesaid amount i.e. Rs. 1,20,000/- to the complainant within six months, let the above named petitioner, be released on **provisional bail** for a period of six 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 East Champaran at Motihari Complaint Case No. 1146 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr. P.C.

7. After full and final payment of Rs.1,20,000/-, the provisional bail of the petitioner will be confirmed by the learned Court below.

8. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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