

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83884 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- MAINATAND District- West Champaran

UMASHANKAR PRASAD, aged about 52 years, Male, SON OF BINDA PRASAD R/O VILLAGE- SISWA, P.S.- BHANGAHA, DIST.- WEST CHAMPARAN... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

For the informant : Mr. Mayank Mohan, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 18-01-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel

 appearing on behalf of the petitioner, Mr. Mayank Mohan,

 learned counsel for the informant and Mr. Jai Narain Thakur,

 learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Mainatand P.S. Case No. 105 of 2023 dated 26.07.2023 registered for the offence(s) punishable under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, for non-payment of Rs.26 lacs, an altercation took place between the informant and petitioner in which three persons sustained injury.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner and informant are in business terms and due to certain tense relationship, false accusation has been made against the petitioner that he has taken Rs.26 lacs



from the informant's cousin. No documentary evidence is on record, even the FIR don't contain any ingredients that the petitioner had committed any case of cheating and forgery. However, the learned counsel, on the instruction of the petitioner submits that petitioner to get rid of the criminal case and to run his business smoothly, seeks to make payment of rupees five lacs, so that some protection may be granted to the petitioner.

5. Mr. Mayank Mohan, tendering appearance on behalf of the informant, informs that investigating officer in course of the investigation has submitted chargesheet under Section 420 of IPC as well and the alleged forgery committed by the petitioner cannot be ruled out and, as such, petitioner don't deserve to be released on bail.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, without going into the merits of the allegation, considering the fact that the petitioner has shown his desire that he is going to make payment of rupees five lacs, I am of the opinion the same will not affect the trial in any manner. The petitioner may deposit rupees five lacs to the informant, if informant brings on record by way of affidavit before the trial



court that the petitioner is bonded by the agreement entered into between them and also he furnishes the mode of transaction of such payment to the petitioner. In case affidavit is filed by the informant before the trial court then in that case the District Court, after being satisfied, is directed to release the petitioner on **provisional bail** in connection with Mainatand P.S. Case No. 105 of 2023. In case, the informant don't file any affidavit by bringing on record the mode of transaction by which he has given money to the petitioner, in that event also, the petitioner deserves to be released on **provisional bail**, which will be subject to the deposit of the amount by the petitioner not beyond the period of three months.

8. The petitioner having satisfied and after he furnishes an acknowledgment to the said effect before the trial court, as the manner in which it has been recorded in the order, the provisional bail shall be made absolute by the trial court on such terms and conditions, as the court below deems it fit and proper.

9. With the aforesaid observation/direction, the application stands disposed off.

Sanjay/-

U		T	
---	--	---	--

(Purnendu Singh, J)

